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ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, PA

APR 30 2002

LINDA F. WEABER,

Plaintiff

MARY E. HANCOCK, CLERK
Per [Signature]

v.

CIVIL ACTION NO: 1:01-CV-856

HERSHEY FOODS CORP.,

Defendant

APPENDIX TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

McNEES WALLACE & NURICK LLC

By [Signature]

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Attorneys for Defendant
Hershey Foods Corporation

Dated: April 30, 2002

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LINDA F. WEABER,

Plaintiff

v.

HERSHEY FOODS CORP.,

Defendant

CIVIL ACTION NO: 1:01-CV-956

APPENDIX

Tab 1	Linda Weaber Deposition Transcript and Exhibits (February 22, 2002)
Tab 2	Larry Weinsheimer Deposition Transcript (excerpts) (April 5, 2002)
Tab 3	Thomas Soles Deposition Transcript (excerpts) (April 1, 2002)
Tab 4	Carolyn Haskell Deposition Transcript (excerpts) (April 1, 2002)
Tab 5	Document D1391-1392: Hershey Plant Production Supervisors 1/1/99
Tab 6	Plaintiff's Answers to Interrogatories

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

.....
LINDA F. WEABER,
Plaintiff

vs..

. Civil Action
. Number 1:01-CV-856

HERSHEY FOODS CORPORATION,.
Defendant
.....

Deposition of: LINDA F. WEABER

Taken by : Defendant

Date : February 22, 2002, 10:08 a.m.

Place : McNeese Wallace & Nurick LLP
100 Pine Street
Harrisburg, Pennsylvania

Reporter : Glenda S. Travitz
Registered Professional Reporter
Notary Public

APPEARANCES:

ANDREW J. OSTROWSKI, ESQUIRE

For - Plaintiff

MCNEESE WALLACE & NURICK LLP

By: ELIZABETH A. MAGUSCHAK, ESQUIRE
BRIAN F. JACKSON, ESQUIRE

For - Defendant

I N D E XWITNESS

LINDA F. WAEBER

Examination

By Ms. Maguschak

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EXHIBITS

Weaber

Exhibit NumberMarked

1	March 3, 1998 Interoffice Correspondence to L. Weaber from D. Bentz, one page	54
2	Confidential Separation Agreement, five pages	79
3	Document entitled Severance Benefits, one page	81
4	May 26, 1999 letter to Dear Fellow Employee from K. Wolfe, two pages	93
5	June 24, 1999 PA Human Relations Commission Complaint, three pages	122
6	2/15/2000 PA Human Relations Commission Amended Complaint, three pages	123
7	2/13/01 EEOC Notice of Right to Sue, one page	124
8	Document entitled Performance Management, January 1998 to December 1998, 11 pages	129
9	Document entitled Performance Management, January 1997 to December 1997, 10 pages	133

Exam./Maguschak - Weaber

STIPULATION

It is hereby stipulated by and among counsel for the respective parties that reading, signing, sealing, certification and filing are hereby waived; and all objections except as to the form of the question are reserved to the time of trial.

LINDA F. WEABER, called as a witness, being duly sworn, testified as follows:

EXAMINATION

BY MS. MAGUSCHAK:

Q. Ms. Weaber, my name is Liz Maguschak. I'm an attorney with McNees Wallace & Nurick.

I'm here today to take your deposition in a lawsuit that you started against Hershey Foods in federal court here in Harrisburg. Do you understand that's why we're here today?

A. Yes, I do.

Q. You just took an oath. That's the same oath that you would take in court. It has the same legal significance. Do you understand that it requires you to tell the truth and to give responses that are not misleading?

A. Yes, I do.

Exam./Maguschak - Weaber

1 Q. Do you understand your obligation to tell the
2 truth here today?

3 A. Yes, I do.

4 Q. Because we need to get to the truth, we must
5 ensure that you understand my questions. So as
6 we go forward, please tell me if you don't
7 understand any part of a question. I can
8 rephrase or explain what I mean if it's not
9 clear.

10 A. Thank you.

11 Q. Okay?

12 A. Yes.

13 Q. As you know, the stenographer is here. She can
14 only take one person speaking at a time. So
15 it's important that you wait until I'm finished
16 with my question before you give an answer.
17 Often you'll know what I'm going to say and
18 you'll try to jump on the answer. Try to
19 remember to wait until I finish my question
20 before you give an answer. Okay?

21 A. Yes, ma'am.

22 Q. You have to give verbal responses. Nods of the
23 head or uh-huhs or uh-uhs don't come out very
24 clearly on the record.

25 A. Sure.

Exam./Maguschak - Weaber

1 Q. At any time if you need another soda or need a
2 drink or need to take a break, let us know and
3 we can do that. The only time that you can't
4 take a break is if there's a pending question.
5 I'll want an answer to the question before we
6 take a break. If you need to take a break at
7 any time, just let us know.

8 A. Okay.

9 Q. If the temperature is not good -- Actually, I
10 don't think there's much I can do about that.
11 But if there's any kind of a problem, let us
12 know, and we'll try to make you comfortable.

13 A. All right.

14 Q. Are you on any medication that would impair
15 your ability to think or remember or give
16 truthful answers this morning?

17 A. No, I'm not. I'm on medication, but none of
18 that type of medication.

19 Q. Good.

20 MS. MAGUSCHAK: Andy, is it correct that
21 -- I mean we just received the discovery
22 responses yesterday. I think you agreed with
23 Brian that if we would need to get back
24 together at a later date that we could do that.

25 MR. OSTROWSKI: Right. Yes.

Exam./Maguschak - Weaber

1 MS. MAGUSCHAK: Hopefully, we won't need
2 to do that.

3 BY MS. MAGUSCHAK:

4 Q. Have you ever given a deposition before?

5 A. Yes, I have.

6 Q. How often?

7 A. Once.

8 Q. What did that deposition have to do with?

9 A. It had to do with our land at South Forge Road
10 in Palmyra.

11 Q. Was that a lawsuit that you initiated?

12 A. Yes, it was.

13 Q. And how long ago was that?

14 A. That was in -- When I gave the deposition?

15 Q. Yes.

16 A. Gee.

17 Q. Approximately.

18 A. I would say approximately '97, ninety -- It
19 happened in '96. I would say approximately '97
20 or maybe early '98. I don't exactly remember.

21 Q. When you say it happened in '96, what did the
22 lawsuit have to do with?

23 A. What had happened was 84 Lumber Company had
24 built a building on Airport Road and South
25 Forge Road in Palmyra, Pennsylvania. They did

Exam./Maguschak - Weaber

1 not put the proper drain system in, and we got
2 rain, and the rain was like a real downpour
3 rain. Well, it didn't take their water away.

4 What it did, the water actually ran up the
5 road and across a property and went over in our
6 property, and it flooded everything.

7 Q. Okay. Has that matter been resolved?

8 A. No, it has not.

9 Q. It's still pending?

10 A. It's still pending.

11 Q. What court is that in?

12 A. Lebanon County.

13 Q. I think you said that was the only other
14 deposition you've given.

15 A. Yes.

16 Q. Have you given testimony in any court or
17 administrative agency before?

18 A. No, I haven't.

19 Q. Other than that case that you just described,
20 have you been a party to any other legal
21 action?

22 A. No. The only thing that -- And I don't even
23 remember if I spoke or not. It was at my
24 husband -- My husband had a disk operation
25 through his job. He was hurt at Sauder

Exam./Maguschak - Weaber

1 Brothers.

2 When he got hurt the first time, they had
3 one insurance. When he got hurt the second
4 time, they had different insurance. So they
5 were debating who was going to pay him
6 workmen's comp. That's the only other time
7 that I was ever in a courtroom.

8 Q. Have you ever been convicted of a crime?

9 A. No, ma'am.

10 Q. Have you ever been accused of dishonesty?

11 A. No, ma'am.

12 Q. Were you ever the subject of any kind of
13 governmental investigation?

14 A. No, ma'am.

15 Q. Did you review any documents prior to this
16 deposition here today about this case?

17 A. Just what Andy has sent me, my papers.

18 Q. Did you review any of those documents
19 specifically to prepare for the deposition?

20 A. No, I did not.

21 Q. Other than Mr. Ostrowski, did you discuss your
22 testimony with anyone?

23 A. No, I have not, besides my husband. Just that
24 I was going for the deposition today. I mean
25 we didn't go into any details.

Exam./Maguschak - Weaber

1 Q. Do you mean with your husband?

2 A. Right.

3 Q. Just a little bit of personal background.

4 What's your birth date?

5 A. July the 9th, 1947.

6 Q. And where did you grow up?

7 A. In Palmyra, Pennsylvania.

8 Q. Are you married?

9 A. Yes, I am.

10 Q. And when did you get married?

11 A. I got married in 1973, November the 24th.

12 Q. And what's your husband's name?

13 A. Lloyd Eugene Weaber.

14 Q. Lloyd?

15 A. Lloyd.

16 Q. And do you have any children from that
17 marriage?

18 A. Yes, I do.

19 Q. Can you tell me their names and ages?

20 A. I have one from him, and her name is Terry,
21 T-E-R-R-Y, Terry Marie Haag. Her last name is
22 Haag. She is 27 years old.

23 Q. And does Terry live with you?

24 A. No. Terry is married. Terry was married, but
25 she's a widow now.

Exam./Maguschak - Weaber

1 Q. Did she live with you in 1999?

2 A. No.

3 Q. Do you have any previous marriages?

4 A. Yes, I do.

5 Q. Who was your husband?

6 A. That's to George Stover.

7 Q. Did that marriage end in divorce?

8 A. Yes, it did.

9 Q. What were the dates of that marriage,
10 approximately?

11 A. I got married to him in, I think, 1963, I think
12 it was. It ended in 1972.

13 Q. Do you have any children from that marriage?

14 A. Yes, I do. I have two daughters--Judy Fogleman
15 and Crystal Christ.

16 Q. And do you have any -- Were you married any
17 other times?

18 A. No.

19 Q. Do you have any other children?

20 A. No.

21 Q. Where did you go to high school?

22 A. Palmyra High School.

23 Q. Did you complete high school?

24 A. No.

25 Q. Do you have a GED?

Exam./Maguschak - Weaber

1 A. Yes, I do.

2 Q. When did you get the GED, approximately?

3 A. I think it was approximately about 1974.

4 Q. Did you ever take any college courses?

5 A. Just through Hershey. Penn State came to the
6 Hershey factory, and we took courses there.

7 Q. Do you remember any of the courses you took?

8 A. It was in management.

9 Q. And you took the courses right at the plant?

10 A. Yes.

11 Q. Did you receive any sort of certificate or
12 diploma from those courses?

13 A. No, we didn't. It was just like after-work
14 classes. You just attended so many classes..
15 Penn State came down there, and you just did so
16 many classes. No.

17 Q. Do you have any military experience?

18 A. No.

19 Q. Do you have any hobbies?

20 A. Yes.

21 Q. What are your hobbies?

22 A. I like to hunt. I like to fish. I like to
23 sew, exercise, crochet, and do crafts.

24 Q. When you say exercise, what kind of exercise?

25 A. I just exercise at home to, like, videotapes

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1 and --

2 Q. How often would you say you go hunting?

3 A. I only go hunting once a year. That's deer
4 hunting.

5 Q. What about fishing, how often would you say you
6 go fishing?

7 A. Fishing, I couldn't really give you a number on
8 that. We take our grandchildren fishing quite
9 a bit in the summer. Whenever we have a
10 chance, we take them.

11 Q. What about sewing, how often do you sew?

12 A. Once in a great while now.

13 Q. Do you exercise every day?

14 A. At least about four times a week.

15 Q. Did you have any jobs prior to Hershey?

16 A. When I worked at Hershey?

17 Q. Prior to Hershey, did you have any employment?

18 A. Oh, prior to Hershey. I worked as a waitress
19 when I was 16 at Andy's Diner. That was it.

20 Q. I want to ask you some questions about after
21 your termination from Hershey and your efforts
22 to find a job. You were terminated on May 21st
23 of 1999; is that right?

24 A. That's right, yes.

25 Q. What did you do initially to go about finding a

Exam./Maguschak - Weaber

1 job?

2 A. The first thing I did, I went down to the
3 unemployment office in Lebanon County, and they
4 helped me make a resume.

5 I went to classes there. They set up
6 classes for us. It was a group of us that got
7 picked for classes because of the type of job
8 we had. I guess only a certain number of
9 people get picked. We went to classes for
10 several weeks one day a week to learn how to go
11 in and interview for a job and everything like
12 that.

13 I went to job fairs. I used my computer
14 and sent a lot of applications over the
15 computer in. I applied at ASK in Palmyra for a
16 supervisor's job. I worked for a temp service,
17 Austin Staffing Service, for two months at
18 Bayer Aspirin in Myerstown.

19 Q. Let's hold up a second. Before we get into the
20 jobs that you actually got, I want to just talk
21 a little bit more about your search for a job.

22 A. Okay.

23 Q. You said you took some classes through the
24 unemployment comp office.

25 A. Yes, I did.

Exam./Maguschak - Weaber

1 Q. When were those classes? Were they in the
2 summer of '99?

3 A. Yes, they were.

4 Q. And they were to help you learn how to
5 interview?

6 A. Right.

7 Q. And I think you said that they helped you make
8 a resume. Is that right?

9 A. They made my resumes down there too, yes.

10 Q. Do you have a copy of that resume?

11 A. I do at home, yes.

12 MS. MAGUSCHAK: Did we get that?

13 MR. OSTROWSKI: I don't think I have it.

14 Get me a copy of that.

15 BY MS. MAGUSCHAK:

16 Q. If you could get a copy of that to your
17 attorney, and he will get us a copy.

18 A. Yes, I will.

19 Q. Then you also said, I believe, you went to job
20 fairs.

21 A. Yes, I did.

22 Q. Where was that? Did you go to more than one
23 job fair?

24 A. Yes, I did.

25 Q. When did you go to job fairs and where?

Exam./Maguschak - Weaber

1 A. They were down at the Holiday -- I think it's
2 the Holiday Inn on Quentin Road in Lebanon. I
3 don't remember exactly the dates, but anytime I
4 seen something like -- And I went to one in
5 Reading.

6 Q. A job fair in Reading?

7 A. A job fair. I drove down to Reading. That was
8 in the winter, I know, because I had to drive
9 through the snow.

10 Q. You also said you used your computer to do some
11 applications on-line?

12 A. Yes, I did.

13 Q. Do you have a record of where you applied and
14 when?

15 A. No. I just went on-line and applied to them.

16 Q. How did you select who you were applying to?
17 How did you get the information about where to
18 apply?

19 A. On the computer it tells you what different
20 jobs is available. You just go in and click on
21 that, and I would read over it. It would say,
22 Do you want to apply, send your resume? And I
23 would send my resume to them.

24 Q. Was this a job search web site?

25 A. Yes, it is.

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1 Q. Do you remember what the name of it is, was?

2 A. It was through the unemployment office, their
3 job -- It was called Pennsylvania -- I don't
4 know. I probably still have copies of the web
5 site that I went in on, though, at home.

6 Q. If you do, if you could provide that to --

7 A. Give it to Andy. Yes, I will. It was through
8 the unemployment office. They had given us the
9 paper to go in. All the jobs that was on there
10 is the jobs that were in at the unemployment
11 office. That's what they told us.

12 So you could pick different counties. I
13 picked Dauphin County. I picked Lebanon
14 County. I picked Lancaster County. All the
15 counties around us that I could drive to, yes.

16 Q. Did you review the newspapers, the want ads in
17 the newspapers?

18 A. Yes, I did.

19 Q. What newspaper did you normally refer to?

20 A. Normally the Patriot.

21 Q. Harrisburg Patriot?

22 A. Yes.

23 Q. Did you respond to any want ads in the paper?

24 A. Sent my resumes in.

25 Q. Do you have any record as to where you sent

Exam./Maguschak - Weaber

1 your resumes in response to want ads?

2 A. No, I don't.

3 Q. Did you send cover letters with the resumes?

4 A. Yes.

5 Q. Do you have like a form cover letter that you
6 used?

7 A. Yes, I think I do have one on my computer yet.
8 Yes.

9 Q. Again, if you could provide that.

10 A. Okay.

11 Q. The computer that you used, do you have the
12 same computer now that you had then?

13 A. Yes, I do.

14 Q. Were these applications on a disk anywhere that
15 you applied to?

16 A. No. I just went directly into the web site.

17 Q. You didn't print out what you were sending in?

18 A. No.

19 Q. Like print out the application?

20 A. No, I didn't. I did do some of them, but I
21 don't know if I have them anymore.

22 Q. To the extent you can find anything, any
23 documentation of anything, please provide it to

24 --

25 A. Anything, because I cleaned house.

Exam./Maguschak - Weaber

1 Q. And you said the unemployment comp office
2 helped you prepare a resume.

3 A. Yes.

4 Q. Did you use the same resume all the time?

5 A. I've used that resume, yes.

6 Q. Do you have more than one resume, I guess is my
7 question?

8 A. No, I do not.

9 Q. Now, I think you said you applied at some place
10 in Palmyra, AS --

11 A. ASK Kettering.

12 Q. What does that company do?

13 A. What that company does is make salads and
14 stuff.

15 Q. When did you apply there?

16 A. It was in the summer of '99. I don't know
17 exactly what date it was.

18 Q. Did you have an interview there?

19 A. Yes, I did.

20 Q. Were you offered a position?

21 A. No, I wasn't.

22 Q. Did you have any other interviews? Other than
23 jobs that you actually have had, which we'll
24 talk about in a little bit, did you have any
25 other interviews and then not get a job?

Exam./Maguschak - Weaber

1 A. Yes. For the Palmyra post office.

2 Q. When was that interview?

3 A. I can't remember if it was the end of '99 or
4 beginning of 2000. That was delivering mail.
5 You used your own car and everything. You
6 didn't have to take the test, but once you was
7 there so long, they would offer you the test
8 before they offer it to -- They only offer it,
9 I think -- don't say it's positively -- once or
10 twice a year to take the test.

11 Q. Do you mean like a civil service test?

12 A. Yeah. But they would offer it more often to
13 the people that was working for them on like --
14 It was like a temporary thing. But you worked
15 six days a week, and you used your own vehicle.

16 Q. Were you offered a position?

17 A. No, I wasn't. I didn't hear nothing back from
18 them.

19 Q. Again, other than jobs that you actually worked
20 at, were you given any offers of employment
21 that you declined?

22 A. No, I did not decline no offers.

23 Q. With respect to your job search, I think you
24 said you were looking in a certain geographical
25 area; is that correct?

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1 A. Yeah, somewhere that I could drive close. I
2 didn't mind driving 20, 25 miles to work or
3 whatever. But I looked in Dauphin County,
4 under Dauphin County, Lancaster, the Reading
5 area, Lebanon County, of course.

6 Q. Were you looking for a specific type of job?

7 A. No. I was just looking for any type of job.

8 Q. Were you looking for a specific shift?

9 A. No. I didn't care what shift I worked.

10 Q. Were you looking for a specific income level?

11 A. On my paper I put \$10 because it asks you on
12 the computer what's the lowest amount to the
13 highest amount you'd want, and I'd always put
14 10 to 15 dollars on it.

15 Q. Ten to 15 dollars an hour?

16 A. Ten to 15 dollars an hour.

17 Q. Now, you were starting to tell me that one job
18 that you did have was you worked through a
19 temporary agency for Bayer Aspirin.

20 A. That's the job fair I went to in Reading for
21 Austin Staffing. I got that job down at Bayer
22 Aspirin in Myerstown, Pennsylvania. It was a
23 two-month job.

24 Q. Did you know going into it that it was going to
25 be for a short period of time?

Exam./Maguschak - Weaber

1 A. No, I did not.

2 Q. And why was it only a two-month job? What
3 happened?

4 A. That's all they needed us for. It was just a
5 rush area and time I guess they needed. They
6 laid off I don't know how many people that day.

7 Q. Was that a full-time position? During the time
8 that you were there, was it full time?

9 A. Yes. I worked 40 hours a week, some overtime.

10 Q. That was \$10 an hour?

11 A. Yes, that was.

12 Q. And you did receive some overtime?

13 A. Yes, I did. My checks came through Austin
14 Staffing, though. They did not come from Bayer
15 Aspirin.

16 Q. Did that job have any benefits?

17 A. No.

18 Q. You said that was in Myerstown?

19 A. Yes.

20 Q. Then that was your first employment since
21 Hershey?

22 A. Yes.

23 Q. And that was in February of 2000?

24 A. Yes.

25 Q. Through April of 2000?

Exam./Maguschak - Weaber

1 A. Right. Yes, ma'am.

2 Q. And then what was your next position after
3 Bayer Aspirin?

4 A. Next position -- Well, the job fair that I
5 went to down in Lebanon at the Holiday Inn, I
6 filled out several applications down there. I
7 got called at Verdelli Farms in Hummelstown,
8 and I started there in September.

9 Q. Of 2000?

10 A. Of 2000.

11 Q. And what did you do there at Verdelli?

12 A. I ran a bagger, a spinach bagger.

13 Q. Who was your supervisor at Verdelli?

14 A. My supervisor was -- I can't think of his
15 name. That's terrible. My mind just went
16 blank on it. Wendell was his last name. Chris
17 Wendell.

18 Q. Wendell?

19 A. Uh-huh.

20 Q. Then what shift did you work?

21 A. I worked second shift. I went out on a Sunday
22 at 2 o'clock in the afternoon, and you worked
23 to whenever they got done. The latest you
24 could work is 2:30.

25 During the week I worked from 3:30, worked

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1 it Monday through Thursday. You worked from
2 3:30 until whenever you get done with spinach.
3 Sometimes they would send us home at -- we'd be
4 done at 8:30. Sometimes the operators, we
5 would tear our baggers and stuff down, and
6 sometimes I would get until 10:30, 11:30.

7 Usually on a Thursday night we always
8 worked late into the morning until about 2:30,
9 and then I had to tear my bagger down. I never
10 pulled a paycheck that had 80 full hours every
11 two weeks on it.

12 Q. I think in your interrogatory answers you said
13 approximately 68 hours a week, or every two
14 weeks.

15 A. Every two weeks. I don't think I have any
16 check stubs that has over 68 hours total.

17 Q. Did you join the union at Verdelli?

18 A. Yes, I did.

19 Q. Do you know what union that was?

20 A. It's Teamsters. I don't know what the local
21 number was. I do have a card that I paid 50
22 cents for so if I would ever get another job
23 with the union I wouldn't have to pay the dues.
24 So I can give you the number if you need the
25 number.

Exam./Maguschak - Weaber

1 Q. You worked there for about a year; is that
2 correct?

3 A. A year.

4 Q. Why did you leave there?

5 A. Because of Chris Wendell's management. His
6 management, what it was -- I'll take, for
7 instance, like Labor Day weekend. We were
8 allowed to work daylight that Sunday to have
9 Monday off. We'd go in at 7 o'clock in the
10 morning and work until 6:30 at night.

11 One operator took off. A bagger operator
12 took off. He wanted vacation. He couldn't get
13 vacation. He took off.

14 So Monday we had off. I went up, and I
15 thanked him for letting us work daylight.
16 Monday we had off.

17 Tuesday we went in, called us in the
18 office and threatened our jobs, took our
19 overtime away from us because of one operator
20 taking off. Management doesn't operate like
21 that. If one person does something, that's the
22 person that should be punished, not everybody.
23 Out on the floor he would holler at you and
24 scream at you. You didn't breathe.

25 There was no water fountains inside the

Exam./Maguschak - Weaber

1 place. You couldn't get a drink. If your
2 bagger went down, you had to run to the next
3 person to help them out or whatever.

4 It was just the punishment. It was like
5 you were treated like a child. The management
6 was not good.

7 When I quit there, what happened there,
8 they built a new part onto the building. When
9 we got done working that night, three of us
10 operators--myself, Jeremiah Brown, and Dave; I
11 don't know what Dave's last name is--we went
12 home.

13 The other operators and the team leaders
14 of the lines, which was something like a
15 working foreman, they went over in the new part
16 of the building, which we were not allowed to
17 go over there because it was under
18 construction.

19 What I understand, they spun a forklift
20 around and put marks on the floors and stuff
21 like that. Got called in and threatened our
22 jobs, even said that Dan Verdelli was going to
23 fire us all. I mean we weren't even there. We
24 went home. They stayed.

25 At my break time, I went to go in the

Exam./Maguschak - Weaber

1 office to give my quitting notice for a week
2 because I had already applied where I'm working
3 now.

4 When I opened the door to go in the
5 office, he told me to get out to my line but
6 not in them words. He wouldn't even talk to
7 me. So that was it. That was my last night.

8 So I started on Monday morning at Warrell
9 Corporation in Camp Hill.

10 Q. And did you already have that -- Did you
11 already have an offer from Warrell Corporation
12 when you quit Verdelli?

13 A. Yes, I did. I was a manager for all them
14 years, and you do not treat employees like they
15 were treated.

16 Q. Were you disciplined at all at Verdelli?

17 A. No, I was not. Just by everybody in a group
18 being punished, not one on one like it should
19 have been.

20 Now, one time he did call me in because he
21 didn't give me a raise. I asked about a raise
22 and got laughed at. So I went over his head
23 and asked Dan about it, and he called me in the
24 office, and he was mad about that.

25 Q. He was mad that you went over his head?

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1 A. Yeah. But, you know, he would just laugh at
2 you. I mean we're human beings. We're not
3 children working.

4 Q. Did you have any performance evaluations while
5 you were there?

6 A. There? No, I did not. I have at Warrell
7 Corporation since I've been there.

8 Q. And you started there in September of 2001?

9 A. Yes, I did.

10 Q. Let me back up. Did you have any benefits at
11 Verdelli?

12 A. Yes. They had good benefits after 90 days.
13 They had Blue Cross and Blue Shield. They had
14 excellent benefits.

15 Q. How did the benefits at Verdelli compare to
16 those that you had at Hershey?

17 A. They were the same.

18 Q. Back to Warrell Corporation, what does that
19 company do?

20 A. Warrell Corporation is Pennsylvania Dutch
21 Candies.

22 Q. What do you do there?

23 A. I run a bagger there.

24 Q. And your answers to interrogatories indicate
25 that you make \$11.70 an hour.

Exam./Maguschak - Weaber

1 A. Right now I do, yes.

2 Q. Is that what you started at?

3 A. No, it is not.

4 Q. What did you start at?

5 A. I started at \$11 an hour.

6 Q. You have since gotten a raise?

7 A. Yes. I've gotten 70 cents since I've been
8 there.

9 Q. Was that all at one time, or was that --

10 A. No. The first time we got three percent, and
11 then I -- When I had my evaluation in 90 days,
12 I went up to \$11.70.

13 Q. And that's a full-time position?

14 A. Yes, it is.

15 Q. Are you a member of a union there?

16 A. No.

17 Q. Is there a union?

18 A. No, there is not.

19 Q. Who is your supervisor there?

20 A. My supervisor there is Brian Albert, and my
21 manager -- the ER, rather, is Brad Teahl.

22 Q. What shift do you work?

23 A. I work first shift there.

24 Q. What time is that?

25 A. I start at 5 o'clock in the morning, and I quit

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1 at four in the evening.

2 Q. Do you have benefits there?

3 A. I do now. I just got my benefits. Well, I
4 should have had them before, but I just got my
5 package and received my benefits, yes. It's
6 just medical and prescription. They don't have
7 any dental or eye care.

8 Q. How does the medical and prescription plan at
9 Warrell compare to the plan that you had at
10 Hershey?

11 A. It don't compare at all. It's not none of the
12 best, but it's some insurance anyhow.

13 Q. And did you have eye coverage at Hershey?

14 A. Yes, we did.

15 Q. Did you have dental at Hershey?

16 A. Yes, we did.

17 Q. At Warrell do you have any -- is there a
18 pension plan?

19 A. There is after you're there six month as far as
20 what I've heard from other people talking. I
21 have not been offered that yet.

22 Q. Do you have any brochures or information about
23 the insurance plans there that you're covered
24 by?

25 A. Yes, I do.

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1 Q. If you could provide those to your attorney so
2 we can look at those.

3 A. Okay.

4 Q. If you get any information about the pension --

5 A. Yeah. That won't come until I'm there six
6 month.

7 I pay \$28 and a couple cents every week
8 for my insurance now, though. I have to pay
9 for it.

10 Q. Does that come out of your paycheck?

11 A. Yes, it does.

12 Q. I think you said -- Did you have one
13 performance evaluation?

14 A. Yes, I did.

15 Q. Was that after 90 days?

16 A. Yes, it was.

17 Q. It was a good evaluation?

18 A. Yes, it was.

19 Q. Was it in writing?

20 A. Yes, it is.

21 Q. Do you have a copy of it?

22 A. I don't have a copy of it. I can get a copy of
23 it if you want.

24 Q. Yes, that would be great.

25 A. I'll try to get a copy. Let me put it that

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1 way.

2 Q. Are there yearly salary increases, or what do
3 you expect as far as salary increases are
4 concerned?

5 A. I'm told every 90 days you get an evaluation
6 there. Once a year the company has a meeting,
7 and they'll let you know what raise -- how much
8 a percentage you get. That's how I got my
9 first three percent this year. Every year they
10 say they do that. That's all I know.

11 Q. Do you know whether you have any prospects for
12 promotion or moving into management or anything
13 like that?

14 A. I haven't heard anything yet, no.

15 Q. Do you like the job?

16 A. I love my job.

17 Q. Better than you liked Verdelli?

18 A. Verdelli is a wonderful company, but the
19 management on second shift takes it all away.
20 If it wouldn't have been for the management, I
21 would still be at Verdelli.

22 Q. You voluntarily left Verdelli; is that correct?

23 A. Yes, I did.

24 Q. Was there any period of time since your
25 termination from Hershey Foods that you were

Exam./Maguschak - Weaber

1 unable to work for any reason?

2 A. No.

3 Q. I think --

4 A. When I worked at Verdelli's, yes, I was in the
5 hospital when I worked at Verdelli's. On
6 December the 3rd, we went to the Country Buffet
7 in Harrisburg to eat, and it was on a Saturday
8 night, and I got food poisoning, and I winded
9 up in the hospital. So I did lose some time
10 from Verdelli's from being in the hospital due
11 to food poisoning.

12 Q. Do you know how many days you were out?

13 A. No, I don't.

14 Q. Was it more than a month?

15 A. I don't think it was, no.

16 Q. Other than that period of time then, there was
17 no other period of time since May of 1999 that
18 you were unable to work?

19 A. Right. I even worked at Verdelli's with broken
20 ribs.

21 Q. How did you get broken ribs?

22 A. Well, at Verdelli's you have to go maybe from
23 here -- I don't know how far you would say
24 from here. But being across the building,
25 you'd have to get a roll of film, and a roll of

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1 film would weigh anywhere from maybe 65 to 71
2 pounds or whatever.

3 What you do, you have to put them up on
4 your shoulder and carry them clean across the
5 thing down to your bagger to put them on your
6 bagger if they changed over that you weren't
7 expecting it.

8 Normally we would go get them on a cart,
9 but sometimes we'd run out. We'd have to go
10 back and grab one roll. So we'd have to throw
11 it on our shoulder because you couldn't carry
12 it like this, or you had to go upstairs and
13 bring a roll like that down the steps and take
14 it out across the floor to your bagger.

15 I put a roll up, and I felt it in my ribs,
16 and I broke my ribs on my right side.

17 Q. Did you file any kind of worker's comp claim as
18 a result of that?

19 A. No.

20 Q. Did you seek medical attention as a result of
21 that?

22 A. Yes.

23 Q. And when was that?

24 A. My family doctor.

25 Q. When was that, approximately?

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1 A. It was during the summer, last summer.

2 Q. Of 2001?

3 A. Yeah. It was during the summer. I don't know
4 exactly what dates it was.

5 Q. And you weren't out of work for any period of
6 time as a result of that?

7 A. No.

8 Q. I'm sorry. I didn't hear your answer.

9 A. No. I might have lost a couple days through
10 it. That was it, if I remember right.

11 Q. Have you missed any days at -- I'm sorry.
12 What's the name of the place you work now?
13 Warrell?

14 A. Warrell Corporation.

15 Q. Have you missed any days at Warrell
16 Corporation?

17 A. No, I haven't. No, I haven't.

18 Q. Other than the three jobs that we just talked
19 about, have you had any other sources of income
20 from May of 1999 to the present?

21 A. No.

22 Q. Did you have any self-employment of any type?

23 A. No. Last week I signed up to sell Mary Kay to
24 try to make up some more money.

25 Q. Last week, you said?

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1 A. Yes.

2 Q. Since May of 1999, did you apply for
3 unemployment compensation benefits?

4 A. Since '99?

5 Q. Yes, since your termination at Hershey.

6 A. Yes. Hershey paid me unemployment. Then when
7 I went to Austin Staffing down at Bayer Aspirin
8 when I got laid off, I got unemployment again,
9 and that was through Hershey.

10 Q. Do you know what periods of time you got the
11 unemployment for?

12 A. Well, I got the unemployment from the time I
13 got laid off -- lost my job at Hershey. I
14 guess they give you 26 weeks of it. So I went
15 to Austin Staffing. I have the copies there.
16 Both times they pulled my wages from Hershey
17 for the unemployment.

18 Q. Do you mean right after May of '99 and then
19 after the temporary job?

20 A. Yes.

21 Q. Have you received any social security
22 disability type benefits --

23 A. No.

24 Q. -- since May of 1999?

25 How about any worker's compensation

Exam./Maguschak - Weaber

1 benefits --

2 A. No.

3 Q. -- since May of 1999?

4 A. No.

5 Q. I'm just going to remind you to try to wait
6 until the end of my question.

7 A. I'm sorry.

8 Q. That's okay.

9 Have you received any benefits under any
10 insurance policy since May of 1999?

11 A. No.

12 Q. Do you have any rental properties?

13 A. Yes, I do.

14 Q. Where is the rental property located?

15 A. I have one at 221 North Railroad Street in
16 Palmyra.

17 I have one at 1710 South Forge Road, which
18 my mother lives there, which she pays nothing.

19 I have a rental property at 1728 South
20 Forge and 715 Airport Road.

21 I have a balloon mortgage which is up in
22 May that I have properties at 116 East Main
23 Street in Palmyra with James Owens.

24 Q. Just looking at these, when did you purchase
25 the 1728 South Forge property?

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1 A. 1728, 1710, 1716 is all on one deed on three
2 different parcels. They were my father's, and
3 he passed away in '88. I'd say I purchased
4 them around '82, 1982, '83, somewhere in there.

5 Q. What about 221 North Railroad Street?

6 A. 221 North Railroad Street I purchased May the
7 7th, 1999.

8 Q. What about 116 East Main Street?

9 A. May the 7th, 1999.

10 Q. What about 715 Airport Road?

11 A. I purchased that in '99. Or did I purchase
12 that in '98? I purchased that in 1998. I
13 would say it was sometime in August of 1998.

14 Q. Who takes care of the repairs and the upkeep of
15 the rental properties?

16 A. I do myself.

17 Q. Pardon?

18 A. I do it myself.

19 Q. You do the actual work or you arrange for it?

20 A. No. Actual work. My husband and I do it. We
21 can't afford to pay nobody to do it.

22 Q. Who collects the rents, or how do you collect
23 the rents?

24 A. Most of them come through the mail. 1728 South
25 Forge Road, James Hoffa lives there. He brings

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1 it over to the house, his check.

2 Q. How much time, say, per month do you devote to
3 the rental properties?

4 A. Well, if something happens, you go in and take
5 care of it. Usually when somebody moves out or
6 whatever I have to go in and paint them and
7 stuff like that. It's just general repairs. I
8 mean I couldn't really put a time schedule on
9 it.

10 Q. When you left Hershey, you received a severance
11 payment; is that right?

12 A. They offered it to me.

13 Q. And did you get a severance pay?

14 A. No, I did not.

15 Q. And you had a balance in your pension account
16 when you left Hershey; is that right?

17 A. Yes, I did.

18 Q. Have you accepted any payment of that benefit?

19 A. Yeah. They automatically sent that to me, and
20 I had to roll it over to an IRA with Schwab.

21 Q. Charles Schwab?

22 A. Yes, Charles Schwab here in Harrisburg. I have
23 used almost all of that up so far. I think I
24 have about \$1,000 left in it.

25 Q. Did you exercise your COBRA rights?

Exam./Maguschak - Weaber

- 1 A. No, I didn't. I couldn't afford them.
- 2 Q. Is your husband employed?
- 3 A. Yes, he is.
- 4 Q. Where is he employed?
- 5 A. Right now he's employed at Pennsy Supply in
- 6 Annville, the quarry. He drives a truck there.
- 7 Q. How long has he been there?
- 8 A. This is his third week.
- 9 Q. Where was he employed before that?
- 10 A. He was employed at Sauder Brothers concrete.
- 11 Q. How long did he work there?
- 12 A. He had worked there approximately, I would say,
- 13 13 years.
- 14 Q. Was he employed at Sauder Brothers in May of
- 15 1999?
- 16 A. Yes, he was.
- 17 Q. Did he receive benefits at Sauder Brothers?
- 18 A. He had to pay. Once I lost my benefits, he had
- 19 to pay \$110 a week for us to cover us.
- 20 Q. So when you were with Hershey, was he covered
- 21 under your benefits?
- 22 A. Yes, he was.
- 23 Q. And then when -- Let me just make sure I
- 24 understand your testimony. When you were
- 25 terminated from Hershey, you went under his --

Exam./Maguschak - Weaber

1 he took out benefits from Sauder Brothers then?

2 A. Yes.

3 Q. And he had to pay --

4 A. He had to pay. It was between 100 and 110
5 dollars a week for us.

6 Q. When you were with Hershey, did you have to pay
7 for benefits at all?

8 A. No, we did not.

9 Q. As a result of this lawsuit, what do you want
10 out of this lawsuit?

11 A. I want what's coming to me because I was
12 treated unfairly.

13 Q. When you say what's coming to you, do you mean
14 money?

15 A. Yes.

16 Q. Do you want to return to work at Hershey?

17 A. No, or you wouldn't be treated fairly.

18 Q. Do you mean you don't think you'd be treated
19 fairly if you returned to work?

20 A. Right. Otherwise, I would love to work at
21 Hershey, yes.

22 Q. Have you calculated what you believe you lost
23 monetarily?

24 A. Well, just in my pension, just in my pension,
25 if I would have worked until I was 62 -- This

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1 is approximately. I had gave it to Andy. We
2 got a copy in the mail. I think it would have
3 been three hundred sixtysome thousand just in
4 the pension alone, which I received a hundred
5 and eight.

6 As you can see on the papers I showed you
7 there, I was salaried at fifty-four,
8 fifty-three; and you can see that I worked a
9 lot of overtime. I would make anywhere about
10 \$64,000 a year, sixty-four, sixty-five.

11 Q. If you were still at Hershey?

12 A. Yes. I was one of the highest paid
13 supervisors. I was a 208.

14 Q. I'm sorry. You were a --

15 A. Rated as a 208. They had rates at Hershey of
16 205, 204, 206, 207. 208 was the highest paid
17 supervisor.

18 Q. Why don't you feel you would be treated fairly,
19 or why do you feel you would be treated
20 unfairly if you returned to work for Hershey?

21 A. That's a hard question to answer. I've seen
22 them take supervisors out of supervision and
23 let them go back to normal labor, and I could
24 see how they were treated. I guess that is the
25 reason I feel that I'd be treated differently.

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1 They're doing away with so many jobs right
2 now. They're eliminating all these jobs and
3 stuff.

4 Q. How have you come to learn that they're
5 eliminating jobs?

6 A. My daughter is one of them.

7 Q. She worked there?

8 A. Yes, she does. Two of my daughters worked
9 there.

10 Q. I'm sorry. Which two of your daughters worked
11 there?

12 A. Crystal Christ works there, and Judy Fogleman
13 works there. Judy Fogleman was a supervisor.
14 She went down into the training department.
15 May the 1st is her last day there. She would
16 have had 20 years in this August.

17 Q. It's your understanding that the job is being
18 eliminated?

19 A. They're just eliminating jobs. They're
20 downsizing. I mean she's not the only one. I
21 mean they're really -- They've been downsizing
22 for quite a while. Ever since I was terminated
23 it's been stepping down, but now -- I don't
24 know how many. There was quite a few of them
25 was told when she was told they have three

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1 months. Either you take what they offer you in
2 severance pay or you can stay and take your
3 chances and try to find a job, but then if you
4 didn't find a job in three months, you would
5 get less severance pay and you'd be out the
6 door.

7 Q. And you said that's your one daughter. Is your
8 other daughter being --

9 A. My other daughter is just a laborer. She works
10 in wrapping room. She's still working, yes.

11 Q. Have you had any out-of-pocket medical expenses
12 that weren't covered by any insurance plan --

13 A. Yes.

14 Q. -- since May of 1999?

15 A. Yes, I have.

16 Q. Tell me about those.

17 A. I have sugar diabetes, and I've had quite a few
18 different bills on different tests that they
19 had to run and stuff.

20 Q. Have you calculated what those out-of-pocket
21 medical expenses are?

22 A. No, I haven't calculated it.

23 Q. Do you have receipts or documentation about
24 those?

25 A. I have papers at home, yes. Matter of fact,

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1 most of them aren't paid. They're turned into
2 the credit.

3 Q. I'm sorry.

4 A. They're turned into the credit collection
5 thing. Hershey did not pay one either that
6 they should have paid.

7 Q. I'm sorry. I don't understand what you mean by
8 they turned it into the credit collection
9 thing.

10 A. Once you can't pay it, they turn it over to a
11 collection agency. So some of them aren't even
12 paid.

13 Q. When do you intend to retire?

14 A. I hope to work until I'm at least 65.

15 Q. In your complaint you claim that you've
16 suffered emotional anguish and aggravation.

17 A. Yes.

18 Q. Can you explain what you mean by that?

19 A. We had a manager. First he was a
20 superintendent, Darryl Bentz. Then he became
21 my manager. He just rode me and rode me and
22 rode me. He was my ex-husband's best friend,
23 George Stover's. I went from, I guess, a size
24 12 down to an eight and a six I lost so much
25 weight.

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1 Q. And what period of time was this during?

2 A. I don't know if he took over in -- I think he
3 took over as a manager in '97, if I'm right. I
4 can't really give you the exact dates when he
5 took over. But I worked second shift, and he
6 was the second shift superintendent too.

7 Q. How long was he second shift superintendent,
8 approximately?

9 A. I can't really give you approximately the date
10 because before that I was on third shift before
11 I had to go to second shift.

12 Q. I guess my question is: How long were you
13 under his supervision?

14 A. I would say approximately two years. Maybe a
15 little longer.

16 Q. Then who became the supervisor, your
17 supervisor, after that?

18 A. Tom soles.

19 Q. And since Tom Soles became your supervisor
20 then, were you ever after that supervised by
21 Darryl Bentz?

22 A. Yes. He went back to superintendent.

23 Q. For what period of time?

24 A. Maybe six to eight month. I wouldn't say it
25 was too long because they took him off of

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1 superintendent then.

2 Q. Okay. Let me see if I can get this. You were
3 supervised by Darryl Bentz and then by Tom
4 Soles and then by Darryl Bentz again?

5 A. He was just the superintendent of the shift. A
6 superintendent is the shift superintendent that
7 takes care of the whole factory on second
8 shift. If you have a problem or whatever, the
9 superintendent is there to help you out,
10 because your main manager -- Like when Tom
11 Soles was my main manager, he's there on day
12 shift.

13 But Darryl Bentz was a superintendent. He
14 became the manager. He went back to
15 superintendent, and then from superintendent he
16 had to go down front and write a supervisor's
17 manual until he was to the age to retire. Then
18 he had to leave.

19 Q. At the time of your termination in May of 1999,
20 was Darryl Bentz your supervisor?

21 A. No, he was not.

22 Q. Was he your superintendent?

23 A. No, he was not.

24 Q. Was he your manager at that time?

25 A. No, he was not.

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1 Q. I think you had -- When we started this
2 discussion, I asked you how you had suffered
3 emotional anguish and aggravation, and you
4 started to tell me about Darryl Bentz. What
5 did he do that caused you emotional anguish and
6 aggravation?

7 A. He didn't like me from the beginning because
8 years back he -- I was coming down the steps,
9 and he was coming up the steps.

10 Q. This is at work?

11 A. At work. And he put his hands on me and said
12 some stuff, and I had a few choice words for
13 him. Then --

14 Q. When did this happen?

15 A. That was years ago before he -- This was when
16 he was superintendent yet.

17 Then he just -- You know, I tried to get
18 along with the man. I had some cases that
19 involved black. The one woman, Lorraine Simms,
20 I brought him in on that case when he was the
21 superintendent because she thought we were
22 picking on her because she went back into the
23 slavery day. I tried to bring him into
24 anything I could bring him into to try to make
25 a relationship with this man.

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1 Q. Let me just make sure I understand. When you
2 said you had some cases, meaning some issues
3 involving employees, is that what you mean?

4 A. Yes, involving employees. So I would bring him
5 in because he was a superintendent. If
6 something happened on the floor or whatever, I
7 would inform him. I would e-mail him. I would
8 share it with him. I tried to communicate in
9 every way I could.

10 Alexia Kniska was my manager, and she was
11 the manager before they made Darryl Bentz our
12 manager. She called me in the office, and she
13 told me. She said, Linda, you're going to have
14 a rough time with him.

15 Q. Does this conversation take place before he
16 became the manager?

17 A. Yes.

18 Q. So he did not like Alexia either. So Alexia
19 cleaned her book out the whole week, her
20 schedule for the whole week, so he could come
21 in and spend a week with her before she left
22 because she was going to Y&S down in Lancaster
23 so he would know what's going on in the
24 departments.

25 He called in and said he had to babysit,

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1 he couldn't spend no time with her.

2 So he came in --

3 Q. He had to babysit?

4 A. Yeah. So he didn't come in to spend no time
5 with her to find out what was going on in the
6 departments, because he was responsible for
7 Kiss department and molding department. So
8 when he came in, Alexia was gone and he sat
9 down in the chair.

10 Tried to share everything you could share
11 with him. Tried to help him in every way. I
12 collected for him at Christmastime myself, you
13 know, because none of the other supervisors
14 would do it.

15 Q. When you say collected, do you mean for a gift?

16 A. For a gift for him for Christmas.

17 Q. You said that Alexia said you were going to
18 have problems with him. Did she explain that,
19 why she thought that?

20 A. Well, she said he told her about me. She never
21 went into details, what it was about, but she
22 just told me that I'm going to have a rough
23 time with him.

24 Q. She said you specifically, as opposed to other
25 employees?

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1 A. Yes. She was just talking to me personally.

2 So then what happened was I had a working
3 foreman, Karen Keeton. Karen Keeton's husband
4 worked in the molding room, which his name was
5 Roy Keeton. Karen Keeton was a good working
6 foreman. But if something happened, she'd go
7 tell me; and if I called people in to go over
8 it with them to try to correct it, well, Karen
9 would not back herself up. She wouldn't say --
10 She would start crying.

11 So her husband had -- I would go
12 downstairs at the end of the shift, and I would
13 get my time cards from molding room and go back
14 up the back steps. He would come down from the
15 fifth floor, and through passing he would,
16 like, shove me with his shoulders and stuff.

17 Q. Her husband?

18 A. Yeah. There was no I'm sorry. I mean it was
19 done on purpose. It wasn't done like I would
20 run into you on the steps or whatever and say,
21 Oh, I'm sorry. I didn't mean to do that or
22 something like that.

23 This continued. So I took it to Darryl
24 Bentz, and Darryl Bentz was my manager. Darryl
25 Bentz took it to Larry Weinsheimer, which he

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1 was the production manager over the managers
2 yet. I got called a liar because it was
3 Karen's husband.

4 Q. Who called you a liar?

5 A. Larry and Darryl.

6 Q. Did they specifically say you're a liar, or did
7 they say it in some other way?

8 A. No, that I'm a liar. Karen was always in
9 Darryl Bentz's office behind closed doors,
10 whatever. I have no idea. He did make her a
11 supervisor before he left there. He made her a
12 supervisor.

13 Q. Darryl made her a supervisor?

14 A. Yes, Darryl made her a supervisor. She's still
15 a supervisor at Hershey Foods.

16 It came to the point one of the molding
17 room guys, Richard Chase, stopped me down at
18 the chip line on second floor and told me. He
19 said, Linda, be careful. Roy is going to hurt
20 you.

21 Q. Roy is --

22 A. Roy Keeton.

23 Q. The husband?

24 A. Karen Keeton's husband. He's going to hurt
25 you. We talked, you know.

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1 Q. When, approximately, was this?

2 A. I can't really give you a date and time on it.

3 Q. Was it before Tom Soles became the manager?

4 A. Yes, uh-huh. So I took this to -- I took this
5 to Darryl Bentz, who took it to Larry.

6 Larry said, Will Richard Chase talk to me?

7 I said, I don't know.

8 So I went down, and I asked Richard Chase.

9 And he said, The only way I'll talk to
10 Larry is if Darryl Bentz isn't there. He said
11 because he's not to be trusted. He said, I
12 will not have nothing to do with Darryl Bentz.

13 So Larry said, That's fine.

14 Well, when Chase walked into Darryl
15 Bentz's office, here Darryl Bentz was sitting
16 behind Larry. He was there anyhow.

17 Q. Do you mean when he walked into Larry --

18 A. Larry Weinsheimer's office. Larry
19 Weinsheimer's office. Here he had Darryl Bentz
20 sitting there anyhow. Chase was very, very
21 upset about it.

22 Well, next thing I knew Tom Soles became
23 our manager. Tom Soles told me personally that
24 he's the one that said to Darryl Bentz, Why are
25 you going back to superintendent? And Darryl

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1 Bentz got real mad. He didn't know he was
2 losing his manager job. Larry Weinsheimer
3 never told him.

4 Q. And Tom Soles told you this?

5 A. Yes, Tom Soles told me this. Tom Soles told me
6 all Darryl Bentz did was throw the pager at
7 him.

8 Q. Throw the pager at who?

9 A. At Tom Soles. Threw it on the desk, that he
10 didn't tell him anything, you know.

11 But the day that Tom Soles took off --
12 took over, I meant to say, the week before that
13 I called in and asked for a vacation day at
14 12:30. My mother had three nervous breakdowns,
15 and she was really bad. So I had a vacation
16 day. Everybody would call in and take vacation
17 days like that.

18 The day that Tom Soles took over Darryl
19 Bentz brought a memo in on me for calling in
20 and asking to take a vacation day and that I
21 should have requested it ahead of time. He
22 said that I should have done this and that.

23 So Tom Soles told me that Darryl Bentz
24 told me not to worry about it. He had it in my
25 file, got a copy of it.

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1 Then Tom Soles and I had a talk, and then
2 Tom Soles told me to go down to Cindy Lighty
3 and tell Cindy Lighty what's been going on. He
4 made an appointment. I had to go down and see
5 Cindy Lighty. She was like the lawyer or
6 whatever for us.

7 So from there --

8 Q. Let me just stop you and just show you a
9 document.

10 MR. OSTROWSKI: Can we take two minutes?
11 Do you mind, Liz?

12 MS. MAGUSCHAK: Sure.

13 (Recess taken.)

14 (March 3, 1998 Interoffice Correspondence
15 to L. Weaber from D. Bentz, one page, was
16 produced and marked Weaber Exhibit 1.)

17 BY MS. MAGUSCHAK:

18 Q. I've put in front of you a copy of a document
19 that we've marked Weaber Exhibit 1. It's a
20 memo. It says it's a memo from Linda Weaber to
21 Darryl Bentz dated March 3, 1998. Is this the
22 memo you were talking about?

23 A. Yes, it is.

24 Q. Did I understand your testimony correctly that
25 it was at this time, right around this time

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1 that Tom Soles took over as manager?

2 A. Yes. Yes, it was.

3 Q. And the date on this document is March 3, 1998?

4 A. Yes.

5 Q. From around March of 1998 through May of 1999,
6 was Tom Soles your direct or immediate
7 supervisor?

8 A. Yes, he was.

9 Q. I kind of interrupted your testimony. You were
10 talking about you had a meeting with Cindy
11 Lighty; is that right?

12 A. Yes.

13 Q. Was that shortly after March of -- Was that in
14 March of 1998? Do you know?

15 A. I don't know. It was shortly after that.

16 Q. Was the meeting only with Cindy Lighty? Was
17 she the only one in the room?

18 A. Yes, she was.

19 Q. What did you discuss with Cindy Lighty?

20 A. Just about the things that was going on with
21 Darryl Bentz not believing me, about them
22 calling me a liar, about Richard Chase,
23 discussed -- I found out in between where
24 Darryl Bentz was going to my working foremen,
25 which they did not tell me until months later,

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1 that he -- One night he wanted to know where I
2 was at. And Greg said, Well, she worked third
3 shift last night.

4 Q. Who is Greg?

5 A. Greg Marks was one of my relief supervisors.
6 They got in a real heavy argument over me.
7 Greg never even told me about it until later.

8 So Cindy Lighty did some investigating.
9 Through the investigation, she pulled down both
10 of my relief supervisors, which was Greg Marks
11 and Ken Smith. The next thing we knew Darryl
12 Bentz was down front making a manual. So I
13 don't know if that had anything to do with it
14 or why he was taken off of superintendent then
15 or what. I don't know.

16 But I went over with Cindy Lighty about
17 what happened was they did -- What would you
18 call it? They talked with everybody about
19 things that was going on in the department. It
20 was a survey. In this survey they had a group
21 of employees that worked in that area that
22 talked with all the employees. They wrote
23 everything down. Then they itemized the most
24 important things, and I was in charge of that
25 group to solve these problems, the most

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1 important things.

2 Well, on the most important things, two of
3 the problems was the two superintendents, which
4 was Darryl Bentz for second shift and Sam
5 Selvey for third shift, which was sexual
6 harassment.

7 Q. You lost me on that. Two of the problems were
8 the superintendents?

9 A. Uh-huh.

10 Q. Darryl Bentz and Sam Selvey?

11 A. Sam Selvey was the third shift superintendent
12 at that time, and Darryl Bentz was the second
13 shift superintendent. All of these problems
14 that we had, my group that I had, we were
15 supposed to solve these problems and correct
16 them so we didn't have these problems.

17 So at the time that I had to do this,
18 Alexia Kniska was my manager. When I took it
19 to Alexia, Alexia told me I had to go and talk
20 to Sam Selvey and I had to talk to Darryl Bentz
21 about this. And there was one other supervisor
22 that was involved in sexual stuff too, which
23 was Edward Getz, and I had to talk to Ed Getz
24 about it.

25 Q. Those three guys were accused of sexual

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1 harassment?

2 A. Right.

3 Q. By more than one employee?

4 A. Yes, ma'am. So I went to Sam Selvey, talked to
5 Sam Selvey about it, told him what they were
6 saying. He took it very seriously.

7 Q. Before you continue, let me just make sure I
8 understand. These complaints were not made,
9 like, to human resources or something. They
10 came out as part of this survey of problems in
11 the department. Is that right?

12 A. Yes, ma'am. Yes.

13 So Sam Selvey took it very seriously.
14 When I went to Darryl Bentz and tried to talk
15 to Darryl Bentz, he laughed in my face and told
16 me -- They had a girl's name there. He told
17 me, he said, If you want to accuse me of doing
18 anything, he said, why don't you accuse me of
19 your daughter Judy Stover, which Judy was
20 single at that time yet. He just laughed about
21 it. He didn't take it serious at all.

22 Q. But she worked at the plant at the time?

23 A. Yes. And I talked to the other supervisor, Ed
24 Getz. What that was about, he was pulling his
25 fly up and down in front of the employees.

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1 Q. Did he take it seriously? I mean did he accept
2 your comments or whatever?

3 A. He was very angry. He went after Alexia.

4 That made it some more bad feelings
5 between Darryl Bentz and I. He didn't like
6 that either. I kind of thought maybe -- My
7 personal thoughts was that's why Alexia said to
8 me that I'm going to have a hard time when
9 Darryl Bentz went over as my manager.

10 Q. When you met with Cindy Lighty about the issues
11 -- Was your testimony that you went to Cindy
12 at the suggestion of Tom Soles?

13 A. Yes. Cindy Lighty was very upset about this.
14 She said to me, she said, Linda, do you have
15 any of this in writing yet?

16 I said, Yes, up in my files. I said, I
17 have all of my papers.

18 So she said, Could you bring me the file?

19 I brought her the file down, and she made
20 copies of it. She returned my file. My file
21 was still in the drawer when I left there.

22 Shortly after that then that's when Darryl
23 was taken down front to write a manual until he
24 came to the age for retirement.

25 Q. Did anyone ever tell you whether the fact that

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1 he was writing a manual was any relation to
2 your conversations with Cindy?

3 A. No. No, ma'am.

4 Q. Did you ever have a follow-up meeting with
5 Cindy where she asked you any additional
6 questions or told you what she had done in
7 response to your conversation?

8 A. No, ma'am.

9 Q. How long after this meeting that you had with
10 Cindy was Mr. Bentz's job changed?

11 A. I think Cindy -- Cindy did some investigating
12 like I told you. She brought down Greg Marks
13 and Ken Smith. It wasn't too long after that
14 because Darryl Bentz was gone before I was
15 terminated in '99.

16 Q. Had you known Tom Soles or had you met Tom
17 Soles before he became your direct supervisor?

18 A. No, ma'am.

19 Q. Had he worked at Hershey before? Do you know?

20 A. He worked at west Hershey.

21 Q. I think in your complaint you allege that you
22 suffered emotional distress or anguish as a
23 result of your termination. Is that right?

24 A. Yes.

25 Q. Can you explain what you mean by that?

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1 A. Okay. What happened was in May or February --
2 I don't know the exact date anymore. February,
3 it was the beginning of the month. I kind of
4 think it was the 8th, but I'm not sure.

5 I had a lot of chest -- I got chest pain
6 so bad and stuff. My working foremen, they
7 called the heart team. What that was was a
8 group of people -- We didn't have a nurse or
9 anything on the shifts anymore. They had
10 teams, heart teams.

11 They came out and took my blood pressure
12 and everything like that. They were trained
13 for that. They said I had to go to the medical
14 center. They took me to the medical center. I
15 didn't go in the ambulance. The guards took me
16 over. I didn't feel it was my heart.

17 Q. Hershey Medical Center?

18 A. Yes. I didn't feel it was my heart, you know.
19 It was just it was so much pressure and pains
20 across my chest and stuff.

21 So they called my husband. My husband
22 came up to the medical center. They didn't
23 find nothing wrong with my heart, but they
24 found that my sugar was so high.

25 The next day at home -- I was working

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1 second shift, of course. The next day at home
2 Tom Soles called me. I told him, I'm coming
3 into work.

4 So I went back into work. I don't
5 remember how many days I worked, and it
6 happened again. Then the doctor said, You have
7 to go for a stress test.

8 I had to go to Dr. Dhaduk. He said I had
9 a mild stroke. I had to go to Dr. Deysher. I
10 was under the care of Dr. Barton, my family
11 doctor. So I was off of work for a while.

12 Carol Haskell, which is in charge of the
13 medical department --

14 Q. At the plant?

15 A. At the plant. I did not want no more time off
16 as far as absenteeism, so I wanted FMLA. So I
17 filed for FMLA. Carol Haskell was the one that
18 had to approve it. Well, she wouldn't approve
19 it.

20 So I called down, and I had to go down to
21 her office. She told me that my medical
22 problems was in my mind and that I am fat and
23 that I need some help. So she told me to keep
24 my job I had to go and get professional help.
25 I don't know what they call them, but it's just

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1 like a psychiatrist.

2 Q. Counseling?

3 A. Counseling or whatever, yeah.

4 Q. When did this occur?

5 A. This occurred -- It was after March. So I --

6 Q. After March?

7 A. March of '99 when I had come back to work when
8 I was trying to get FMLA. She told me the only
9 way I'm going to keep my supervisor's job was
10 if I go for counseling because everything was
11 in my head and I wasn't sick. I was under four
12 doctors' care at that time.

13 I went to Dr. Hower. I told Dr. Hower I
14 was bitter. This --

15 Q. I'm sorry. Dr. Hower is --

16 A. He is a counselor from Lebanon. I was bitter
17 because this was crazy to me. Why am I going
18 there to talk to him? And I told him. I said,
19 She's threatening my job, that I'll be
20 terminated if I don't go to you.

21 So I had to go there once a week, and I
22 was going there once a week like she wanted. I
23 sat up for -- And she scheduled it over at the
24 health center. I joined the health center for
25 \$10. I think it's \$10 a pay every two weeks

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1 they took off me to join the health center that
2 Hershey has there to exercise and stuff. If
3 that's what she wanted, I was going to do it.
4 I didn't want to lose my job.

5 She scheduled a girl to talk to me to put
6 me on a specific diet and everything, which I
7 never did to talk to her because they
8 terminated me before I got there.

9 Then she finally gave my FMLA to me the
10 beginning of May. She gave that to me, but I
11 still had to follow through and keep going to
12 counseling, and I had to go over to the health
13 center or the gym or whatever you want to call
14 it over there to exercise and go through this
15 scheduling program that she had set up for me.

16 Q. Before Carol Haskell told you that you should
17 get counseling, or whatever phrase she used,
18 did any doctor make that suggestion to you?

19 A. No.

20 Q. Dr. Hower was the counselor person that you
21 saw?

22 A. Yes.

23 Q. Did you choose Dr. Hower, or was that chosen
24 for you by Hershey? How did you hook up with
25 Dr. Hower?

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- 1 A. They had a hot line number to call.
- 2 Q. Hershey had a hot line number?
- 3 A. Yes. You called that number, and they would
- 4 give you somebody in your area.
- 5 Q. Was that the employee assistance program?
- 6 A. Yes. They offered that to all the employees.
- 7 It's all confidential.
- 8 Q. You said you saw Dr. Hower once a week?
- 9 A. Yes.
- 10 Q. For how long?
- 11 A. I was still seeing him. I had to cancel my
- 12 appointment when I got fired.
- 13 Q. So from sometime in March through sometime in
- 14 May?
- 15 A. Yes.
- 16 Q. Did you continue to go once a week?
- 17 A. Not after I was terminated, no.
- 18 Q. I'm sorry. During that time frame that you
- 19 were going, was it once a week?
- 20 A. Yes.
- 21 Q. And how long did each session last?
- 22 A. An hour.
- 23 Q. Since your termination, have you seen any other
- 24 counselors or psychiatrists?
- 25 A. No.

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1 Q. In your complaint I believe you indicate that
2 you suffered stress-related illnesses and
3 exacerbation of existing medical conditions as
4 a result of your termination. Is that right?

5 A. Yes.

6 Q. Can you explain what you mean by that or how --

7 A. Well, it was very stressful working for a
8 manager that didn't like you and would ride you
9 all the time. I mean --

10 Q. You're referring to Darryl Bentz?

11 A. Referring to Darryl Bentz, yes. It was very,
12 very hard. I have never had any problems with
13 any manager till Darryl Bentz became my
14 manager.

15 When I went in for my review, I had no
16 idea that Darryl Bentz put me in for no raise.
17 And Tom Soles said, Didn't he go over this with
18 you and tell you, Linda?

19 I said, No.

20 Tom Soles had taken over. By April the
21 15th, we always got a raise at Hershey,
22 whatever our raise was going to be. When I
23 went in for my review with Tom Soles, he told
24 me. He said, Well, they have here And he
25 read it to me. He said, Didn't he go over this

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1 with you?

2 I said, No, he never went over this with
3 me.

4 Then Tom Soles comes back and tells me
5 that Larry never even knew this. That's Larry
6 Weinsheimer, which was really Darryl Bentz's
7 manager yet, that he didn't know about it. In
8 other words, I was on, like, a probationary
9 period for that year. Didn't know nothing
10 about it.

11 Q. For the year -- Which year would that have
12 been?

13 A. That would have been from '98 to '99.

14 Q. So you didn't know about that until Tom Soles
15 became your manager?

16 A. That's right.

17 Q. And Tom Soles told you that Larry Weinsheimer
18 didn't know about it either?

19 A. That's what he told me, because he went to
20 Larry Weinsheimer and talked to Larry
21 Weinsheimer and called me back in and said
22 Larry Weinsheimer didn't know that either.
23 Larry Weinsheimer signed the paper. I guess --
24 Well, I can't assume that.

25 Q. You indicated that you never had any problems

Exam./Maguschak - Weaber

1 with a manager or supervisor until Darryl
2 Bentz; is that right?

3 A. That's right.

4 Q. Did you have similar problems with Tom Soles?

5 A. No, ma'am.

6 MS. MAGUSCHAK: Can I just take a short
7 break?

8 (Recess taken.)

9 BY MS. MAGUSCHAK:

10 Q. Again, in your complaint you indicated that
11 your termination exacerbated existing medical
12 conditions. Tell me about that. What do you
13 mean by that?

14 A. Ever since I got sugar diabetes I had lost
15 quite a bit of work off and on. A week here
16 and a week there, whatever. You know, I was
17 one of the highest paid supervisors. You know,
18 she -- I was off before, and it was all due to
19 sugar and stuff.

20 She made me come back to work. Carol
21 Haskell told me I had to come back to work. If
22 I didn't come back to work, I was going to be
23 terminated.

24 Q. When did she tell you that?

25 A. That was in '98 sometime. I don't know what

Exam./Maguschak - Weaber

1 date it was or whatever.

2 I went back to work on a Thursday night.
3 The superintendent -- Let me think about this
4 a little bit. Darryl Bentz was superintendent
5 back in '98. It had to be in '98 because when
6 Darryl Bentz was taken off the floor as a
7 superintendent Tom Kettering took his place.

8 When I came back that Thursday night, Tom
9 Kettering came to my office approximately about
10 5:30. He was talking to me. And he said,
11 Linda, he said, I don't want to sound cruel or
12 anything, he said, but you look awful. He
13 said, You do not belong here. He said, I want
14 you to go home now. As a matter of fact, I
15 don't even want you to drive. He said, You
16 need to go home. He said, Call your husband.
17 Have your husband come.

18 Well, I still stayed until almost 7
19 o'clock that night. I drove myself home.

20 But it was just -- You know, it was just
21 my nerves had gotten so bad through Darryl
22 Bentz and stuff I was just completely ran down.

23 Q. Did you have any problems with Mr. Kettering?

24 A. No, not at all.

25 Q. You never felt like he treated you unfairly?

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1 A. No, not at all.

2 Q. What about Larry Weinsheimer, did you have any
3 problems with him?

4 A. Just when he told me I was a liar about Roy
5 Keeton.

6 Q. That was in the meeting with Darryl Bentz?

7 A. Right. Then he called me back in after he had
8 the meeting with Richard Chase and told me that
9 I shouldn't have talked to Richard Chase about
10 anything.

11 I told him I was sorry. Richard Chase
12 came to me and started talking to me on the
13 floor. I told him I was sorry about that.
14 That's the only thing that Larry Weinsheimer
15 and I ever talked about.

16 Q. As a result of your termination from Hershey,
17 did you have any emotional or stress problems
18 as a result of the termination?

19 A. I'm still depressed about it.

20 Q. Have you had any physical problems as a result?
21 Sleeplessness or anything like that?

22 A. Yes. I don't sleep very good.

23 Q. Even to this day?

24 A. To this day, no. Hershey was my life.

25 Q. Have you seen a physician or psychiatrist as a

Exam./Maguschak - Weaber

1 result of these kind of problems?

2 A. No. No.

3 Q. Have you taken any medication or anything as a
4 result of those problems?

5 A. Yes, I do.

6 Q. What kind of medication?

7 A. Did I give you a copy of that, Andy, with those
8 papers that I gave you today? I thought I had
9 a copy of my medications.

10 I take a depression pill, and I take five
11 Xanax in a day.

12 Q. Five Xanax?

13 A. Uh-huh.

14 Q. Do you know what the depression pill is?

15 A. Celetex (phonetic) or something like that. I
16 made a copy of it today.

17 MR. OSTROWSKI: I gave you guys copies of
18 whatever she gave me.

19 MR. JACKSON: We got tax returns, or
20 copies of tax summaries.

21 A. I had copied it off the -- Maybe it's not. I
22 did make a copy of it. I'm supposed to take
23 Prilosec for hiatal hernia. I haven't had the
24 money for that.

25 BY MS. MAGUSCHAK:

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1 Q. Who prescribed the depression medicine?

2 A. Dr. Barton.

3 Q. Is that your family physician?

4 A. Yes, it is, Dr. Robert Barton.

5 Q. Have you taken the Xanax -- When did you start
6 taking the Xanax?

7 A. Before this happened to me.

8 Q. Before?

9 A. Yeah, before. When Darryl Bentz -- I mean I
10 was just a bundle of nerves.

11 Q. Did you take that continuously since when you
12 started taking it with Darryl Bentz?

13 A. Uh-huh.

14 Q. Even during the time Tom Soles was your
15 manager?

16 A. I didn't take it as much. I didn't take five
17 pills a day. I usually just took maybe one in
18 the morning and two to sleep at night. If I
19 didn't take the two to sleep at nighttime, I
20 don't sleep.

21 Q. And have you taken the five pills a day since
22 your termination?

23 A. Yes.

24 Q. And when did you first start to take the
25 depression medicine?

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1 A. I took that, I guess, right when -- When
2 Darryl Bentz was my manager, I was on that.
3 Through losing my job, my daughter Judy -- It
4 affected our family. She was told not to have
5 anything to do with me or talk with me or
6 anything. And she has two children, which
7 really affected our family because she didn't
8 want to lose her job too, which now she's
9 losing it anyhow.

10 Q. Who told her not to have anything to do with
11 you or not to talk to you?

12 A. Well, they have production meetings every week,
13 and they announced it at staff. Plus she was
14 called in when she took me out. She was called
15 in and told her to stop asking so many
16 questions, to leave it alone and not to call me
17 and talk to me.

18 Q. Who called her in? Do you know?

19 A. Tom Kettering had to call her in through Larry
20 Weinsheimer's -- He told Tom Kettering because
21 she works up in shift also in wrapping. Tom
22 Kettering was the superintendent, and he had to
23 call her in and tell her to stop asking
24 questions.

25 Q. What kinds of questions was she asking, or was

Exam./Maguschak - Weaber

1 she asking questions?

2 A. She just wanted to know what was going on with
3 her mother.

4 Q. Was this after the termination?

5 A. When they took me out on suspension, yes.

6 Q. During the suspension time period?

7 A. Yes. After the termination, they announced
8 that nobody was supposed to have contact with
9 me and talk with me or anything.

10 Q. Was she told specifically not --

11 A. Yes.

12 Q. Was she specifically told not to have contact
13 with you?

14 A. Yes, she was.

15 Q. And how else did the termination affect your
16 family?

17 A. Right now I'm up to lose everything I have.

18 Q. What do you mean by that?

19 A. Well, my properties, all mortgages on them.
20 It's just not enough money to pay everything
21 that we have mortgages on. I've already went
22 into my retirement, which I paid penalties on.
23 My credit has went from up here down to here.
24 Everything is late, and it's affected our whole
25 family, my husband. It affects your attitude,

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1 affects everything about you. It's been rough.

2 I mean May the 7th I bought them -- got
3 them two properties, and May the 21st I didn't
4 have a job.

5 Q. In your answers to interrogatories, you listed
6 people who have some knowledge related to this
7 lawsuit. Let me just ask you some questions
8 about some of these people.

9 I think you told us quite a bit about
10 Darryl Bentz and Tom Soles. Is there anything
11 else about Larry Weinsheimer, other than what
12 you've already told us, that he would know
13 about issues involving your lawsuit?

14 A. No. The only thing, I think that because Larry
15 didn't take Darryl serious, I don't know if
16 Larry got in trouble over that or not. I don't
17 know.

18 Q. Richard Chase, as I understand, he was the one
19 who told you that Roy Keeton was going to hurt
20 you.

21 A. Yes.

22 Q. That was during the time that Darryl Bentz was
23 your manager; is that right?

24 A. Yes.

25 Q. Does Richard Chase still work at Hershey?

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1 A. Yes, he does.

2 Q. Other than that, which we've already discussed,
3 did he have any other information that you
4 think is important to your lawsuit, to your
5 claims?

6 A. Not that I know of.

7 Q. You have referred to Ken Smith and Greg Marks.
8 It says they are aware of Bentz's plan to try
9 to get you fired.

10 A. Yes.

11 Q. What do you mean by that?

12 A. He told them straight out he was going to have
13 me fired.

14 Q. Do you know whether Ken Smith and Greg Marks
15 still work at Hershey?

16 A. Yes, they do.

17 Q. You said Tom Kettering knows facts and
18 circumstances regarding your health and events
19 leading to your termination. Let me ask you.
20 First, what facts and circumstances regarding
21 your health was Tom Kettering aware of?

22 A. Just what I had just told you about him coming
23 in and telling me to go home. He said I did
24 not belong there, you know.

25 Q. When, approximately, was that, did that occur?

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1 A. I can't really give you a date on it.

2 Q. Who was your supervisor at the time?

3 A. My manager was Tom Soles.

4 Q. So it was when Tom Soles --

5 A. Yes.

6 Q. Other than that, are you aware of what other
7 facts and circumstances Mr. Kettering was aware
8 of regarding your health?

9 A. No.

10 Q. You indicated that Tom Kettering was also aware
11 of events leading to your termination. What do
12 you mean by that?

13 A. Just that, you know, he knew I was sick, but he
14 was -- You know, he talked with Judy
15 afterwards, and maybe I worded that wrong or
16 whatever. I mean Tom Kettering never said
17 anything wrong to me.

18 Q. Then you indicate Carolyn Haskell, and you say
19 you had conversations regarding your health and
20 request for FMLA in 1999. Is there anything
21 else in addition to what you've already told us
22 about your conversations with Carolyn Haskell?

23 A. No.

24 Q. Who is Pat Kilgore?

25 A. Pat Kilgore is a plant manager.

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1 Q. What information does Pat Kilgore have that you
2 think is related to your lawsuit?

3 A. When I was terminated, I was terminated by
4 Cindy Lighty, the security manager, which was
5 Vrabel --

6 Q. I'm sorry. Who?

7 A. Vrabel his last name was.

8 MR. JACKSON: Joe?

9 A. I think.

10 MR. JACKSON: With a V?

11 A. I think it is a V, but I can get you the
12 correct spelling of that. And a guy from
13 benefits, which his last name was Sweinhart.

14 BY MS. MAGUSCHAK:

15 Q. Gordon Sweinhart?

16 A. Gordon Sweinhart. Larry Weinsheimer was not in
17 there. Tom Soles was not in there, and neither
18 was Pat Kilgore. No one else was in there to
19 terminate me.

20 Q. So it was Cindy Lighty, Gordon Sweinhart, and
21 Joe Vrabel?

22 A. Yes.

23 Q. You have Gordon Sweinhart and Ray Warble.

24 A. It's Joe Vrabel.

25 Q. That's what you meant?

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1 A. Yes.

2 Q. Other than being present when you were
3 terminated, are you aware of any other
4 information that Gordon Sweinhart or Joe Vrabel
5 have regarding your lawsuit or your
6 termination?

7 A. No. The only thing, Sweinhart called me, gave
8 me a paper. They wanted me to sign a paper for
9 the severance pay for five thousand some
10 dollars. I don't know the exact amount
11 anymore. And I didn't sign it.

12 He called me up and told me my 21 days
13 were up, that I need to sign that so they can
14 send me my severance pay. I told him I am not
15 signing it; he'll hear from my lawyer.

16 Q. And that was Gordon Sweinhart?

17 A. Yes.

18 (Confidential Separation Agreement, five
19 pages, was produced and marked Weaber Exhibit
20 2.)

21 BY MS. MAGUSCHAK:

22 Q. I'm going to show you a document that's titled
23 Confidential Separation Agreement, and we've
24 marked that as Exhibit 2. I understand that
25 this is a document that we received from your

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1 attorney.

2 MR. OSTROWSKI: I have the original with
3 the signatures on it.

4 BY MS. MAGUSCHAK:

5 Q. At Page 5 of that document, is that your
6 signature?

7 A. Yes, it is.

8 Q. To your knowledge, is that Cindy Lighty's
9 signature on that page as well? Do you know?

10 A. Yes, it is, to my knowledge.

11 Q. You did sign this document?

12 A. Yes. She told me I had to sign it, this one
13 here.

14 Q. Who told you you had to sign it?

15 A. Cindy Lighty.

16 Q. So when you were talking about something else
17 that Mr. Sweinhart wanted you to sign, there
18 was some other document other than this one
19 that he wanted you to sign?

20 A. They wanted me to sign that I would agree to
21 take five thousand some dollars severance pay
22 for my separation from Hershey Foods.

23 Q. Do you have a copy of that document?

24 MR. OSTROWSKI: What was it?

25 A. It's for the severance pay.

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1 MR. OSTROWSKI: That's the only thing you
2 gave me.

3 (Document entitled Severance Benefits, one
4 page, was produced and marked Weaber Exhibit
5 3.)

6 MR. JACKSON: Can we take a two-minute
7 break?

8 (Recess taken.)

9 BY MS. MAGUSCHAK:

10 Q. I put in front of you a document that we've
11 marked as Exhibit 3. It's entitled Severance
12 Benefits. I believe this was a document that
13 we received from your attorney. Did you
14 receive this document upon your termination?

15 A. Yes. This one here, the document that you just
16 handed me, this is the document they gave me.

17 This is a document they gave me --

18 Q. Now you're referring to Exhibit 2.

19 A. Okay. This here document they gave me when
20 they terminated me. The document that you
21 handed me before, this document --

22 Q. And that's Exhibit 2?

23 A. Yes.

24 Q. I just want to make it clear for the record.

25 A. I was going to send it in. That's why it's

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1 marked May the 25th, '99. I didn't send it in.
2 I called the lawyer. That's why I had handed
3 it to him. This is what they wanted me to sign
4 and have it in within 21 days. That's why
5 Gordon Sweinhart called me and told me my 21
6 days is up, that I got to sign this paper and
7 send it in to him so he can mail me my check.
8 And I didn't do it.

9 Q. So you signed it, but you never sent it back to
10 Hershey?

11 A. That's right. Yes.

12 Q. And you did receive Exhibit 3 as well; is that
13 right? You received Exhibit 3?

14 A. Yes, I did. Yes.

15 Q. Who do you believe made the decision to
16 terminate your employment with Hershey?

17 A. I really can't say. I don't know, but it went
18 from Cindy Lighty's office to whoever.

19 Q. Do you have a belief as to who was involved in
20 making that decision?

21 A. I'm sure medical was involved in it.

22 Q. Medical --

23 A. Carolyn Haskell.

24 Q. Anyone else?

25 A. Well, it had to go through Pat Kilgore.

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1 Q. Anyone else that you believe was involved in
2 the decision?

3 A. I'm sure it had to go through Larry
4 Weinsheimer.

5 Q. Anyone else that you believe was involved in
6 the decision?

7 A. I wouldn't know. I'm not -- You know, I'm not
8 sure what their procedures are, you know. But
9 they're the main people.

10 Q. They're the main people?

11 A. Yeah.

12 Q. Why do you believe you were terminated?

13 A. Because of my health, because I lost time that
14 I had lost. Like I said, once I got sugar
15 diabetes, I had lost quite a bit of work. It
16 was a real hard time for me, trying to get it
17 under control. When you're put under stress
18 like that, anybody that has sugar diabetes that
19 makes it all the worse on you.

20 Q. When you say stress like that, what do you
21 mean?

22 A. Stress like I went through with Darryl Bentz.

23 Q. Again, in your answer to Interrogatory 3, you
24 refer to Dr. Giaconne, G-I-A-C-O-N-N-E. He
25 provided cardiac services in 1999.

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1 A. Dr. Di Giacomo.

2 Q. Do you know how to spell that?

3 A. Not really.

4 Q. Where is he located?

5 A. He's out of the Good Samaritan Hospital. I did
6 not pass my stress test. That was after the
7 episode in February of 1999.

8 Q. You did not pass the stress test?

9 A. No, I did not.

10 Q. How often did you see Dr. --

11 A. Di Giacomo.

12 Q. Thank you.

13 A. Approximately -- I think it was three times
14 and twice, I guess it was, at his office. Then
15 he did the stress test. Then I was gave to his
16 assistant, Dr. Glick, and they did a heart
17 catheterization on me. They thought I had a
18 blockage in the heart, but they didn't find
19 anything.

20 Q. Was this all in early 1999?

21 A. Yes, it was.

22 Q. Have you seen Dr. Di Giacomo since then?

23 A. No, I haven't.

24 Q. Who is Dr. Deysher?

25 A. Dr. Deysher is a specialist for your throat and

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1 your digestion system and stuff.

2 Q. Where is he located?

3 A. He's located in Lebanon.

4 Q. How often did you see Dr. Deysher? Strike
5 that.

6 For what condition did you see
7 Dr. Deysher?

8 A. Well, because of all the pressure on my chest
9 and everything. I've seen him several times.
10 I couldn't give you the number. I don't have
11 it.

12 Q. Do you know when the first time you saw him
13 was?

14 A. Not offhand, no.

15 Q. Dr. Dhaduk?

16 A. Dhaduk.

17 Q. Where is he located?

18 A. He's located in Lebanon. He is -- I don't
19 know what his professional name is, but he's
20 the one that said that I had a slight stroke on
21 my right side.

22 Q. When was that?

23 A. That was in between this period. A matter of
24 fact, I had just went to him about two weeks
25 before I had got terminated, and I had an

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1 appointment after I was terminated for follow
2 up, and I told him.

3 He said, Well, how can they terminate you?
4 He said, You had another slight stroke.

5 I said, Well, I was terminated.

6 Q. When did you first see Dr. Dhaduk? Was it in
7 1999, or had you seen him previous?

8 A. No. I had seen Dr. Dhaduk before that. He has
9 said so far that I have had three slight
10 strokes on my right side.

11 The reason I went to Dr. Dhaduk was when I
12 had to go over and exercise for Carolyn Haskell
13 we were doing Tai-Bo. I realized I didn't have
14 the strength on my left side. I didn't even
15 realize that I had another slight stroke until
16 I tried to balance myself and I couldn't do it
17 on this side.

18 Q. Did you tell anyone at Hershey that you had had
19 slight strokes?

20 A. Yes. Carolyn Haskell.

21 Q. When did you first tell her?

22 A. When Dr. Dhaduk told me.

23 Q. Would this have been in 1999?

24 A. Yes, and before that when he had predicted
25 before that I had them. But I didn't even

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1 realize it happened to me again until I went
2 over there and exercised.

3 Q. Did you tell anyone else at Hershey other than
4 Carolyn Haskell?

5 A. I really don't remember.

6 Q. Dr. Barton is your family physician?

7 A. Yes, he is.

8 Q. How long has he been your family physician?

9 A. He's been my family -- Oh, gee. About 30
10 years.

11 Q. And is he still your family physician?

12 A. Yes, he is.

13 Q. Where is he located?

14 A. He's located in Lebanon.

15 MS. MAGUSCHAK: Let me just talk to Brian.
16 I think now might be a good time to break for
17 lunch.

18 (Recess taken.)

19 MS. MAGUSCHAK: Do you want to take a
20 break for lunch now?

21 MR. OSTROWSKI: Sure.

22 (Luncheon recess taken at 12:25 p.m.)

23 (The deposition reconvened at 1:26 p.m.)

24 BY MS. MAGUSCHAK:

25 Q. You want to clear something up. Go ahead.

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1 A. Yes. I said about Mary Kay for -- I just
2 signed up for it. I'm having my first party
3 this week. I signed up for that a couple weeks
4 ago, but I just got my kit, and I was thinking
5 this was my first party. I wanted to clear
6 that up. I signed up a couple weeks ago.

7 MR. OSTROWSKI: I told her you already had
8 a FBI investigation underway.

9 THE WITNESS: I thought, oh, my God, I
10 didn't tell them that. That's not right.

11 MR. JACKSON: When do you get your pink
12 car?

13 THE WITNESS: I'll tell you what.

14 MR. JACKSON: Off the record.

15 (Discussion off the record.)

16 BY MS. MAGUSCHAK:

17 Q. Was there anything else you wanted to clear up?

18 A. No. I just wanted to clear that up. I didn't
19 say that right.

20 Q. Okay. If anything else comes to mind, just let
21 us know. That's fine.

22 A. No. That's the only thing. That wasn't right.

23 Q. Now, in reviewing the complaint that was filed
24 on your behalf, one of the claims that I
25 understand you're making was that you were

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1 terminated in order to deprive you of the full
2 benefits of your benefit and compensation
3 plans. Is that right?

4 A. Will you explain that a little bit to me,
5 please?

6 Q. Sure. In Count 1 of your complaint, it's
7 referred to as an ERISA account. If you just
8 want to read that page, essentially.

9 (Pause.)

10 A. Yes.

11 Q. So that Count 1, on what facts do you base that
12 claim? What facts are you aware of that you
13 believe support the ERISA claim?

14 A. Well, everything that I went over with you.
15 You know, my health. You know, my health
16 really tore me down.

17 I really feel that I'm -- I was one of
18 the highest paid supervisors, a 208. With
19 Carolyn Haskell telling me this stuff and
20 making me go through this stuff, I mean it was
21 very stressful. I didn't feel I really
22 deserved all that. I mean no one can control
23 how their health might turn out, you know. I
24 just really felt I was treated unfairly by her
25 at the beginning.

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1 Q. At the beginning?

2 A. When she started saying it's all in my head and
3 I'm fat and I got to do this and I got to go to
4 counseling and stuff, go to the gym and setting
5 up a program for me and stuff to keep my job.
6 I mean that's just threatening your job.

7 Besides that, one other time I called in
8 and I wanted a day off, and my brother was at
9 my house. My brother -- I don't know if he was
10 drunk, to be truthful with you. I don't know
11 if he was drugged or whatever, but he was
12 carrying on so bad I couldn't leave him at my
13 house.

14 So I called in and called Larry's office.
15 I called Darryl Bentz's office, couldn't get
16 nobody.

17 I called medical. Carol Haskell called me
18 back. So she told me I couldn't have no more
19 days off. I couldn't leave my brother in my
20 house like that, and he was carrying on so bad.
21 She tried to talk to him on the telephone.
22 Here she went and called the police, and the
23 police came to my house to take him away.

24 Q. How do you know that she called the police?

25 A. She told me she did.

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1 Q. When did that occur?

2 A. I can't give you an exact date. This was
3 before this happened to me in February. I
4 would say that was in '98 sometime.

5 Q. Was it while Tom Soles was your manager?

6 A. No. Darryl Bentz was.

7 Q. I'm just trying to timewise figure it out.

8 A. I mean I just don't have the exact dates of it.

9 Q. That's fine.

10 A. I mean that just made him all the worse by cops
11 surrounding my house in the middle of the day,
12 you know. And they didn't take him away anyhow
13 because they were scared of him.

14 Q. In the complaint, Paragraph 10, do you see
15 that? You refer to a plan.

16 A. Number 10?

17 Q. Yes.

18 A. Well, they terminated me May the 21st. I mean
19 they stopped my prescription plan that day at
20 2:30. That was it. They dropped everything on
21 me.

22 I have a doctor bill right now at home
23 that Hershey didn't even pay. I didn't even
24 know about that until a couple weeks ago. I
25 think it was March something, something in

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1 March. They didn't even pay it.

2 Q. You say in Paragraph 10 in May 1999 Defendant
3 announced substantial earnings losses and a
4 plan to reduce the administrative costs
5 associated with its compensation and benefits
6 plans.

7 When you say that Hershey announced a plan
8 to reduce the administrative costs, was there
9 anything in writing? Are you aware of a
10 writing in that regard?

11 A. No. Just that they told me everything was
12 dropped on me, all my benefits.

13 Q. Were you ever told by anyone that you were
14 being terminated because you used too many
15 benefits or in order to avoid additional
16 benefits costs?

17 A. I wasn't told to this day, ma'am, why I was
18 terminated.

19 Q. So let me just make sure that we're clear on
20 the record. Did anyone tell you that you were
21 being terminated or being fired in order to cut
22 down on the benefits?

23 A. No.

24 Q. Did anybody tell you you were being terminated
25 in order to avoid your -- or to reduce costs by

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1 saving on your salary?

2 A. No.

3 Q. Did you ever hear any comments by any
4 managerial people for Hershey that they needed
5 to get rid of highly salaried persons?

6 A. You hear scuttlebutt all the time when you work
7 in a factory. No, not directly from any kind
8 of higher-up. After I was terminated, they did
9 send a letter out about reducing -- I don't
10 even know what it read anymore. Wolfe sent it
11 out, I think.

12 (May 26, 1999 letter to Dear Fellow
13 Employee from K. Wolfe, two pages, was produced
14 and marked Weaber Exhibit 4.)

15 BY MS. MAGUSCHAK:

16 Q. I'll show you a document that's been marked
17 Weaber Exhibit 4. It's a two-page letter dated
18 May 26, 1999. Is this the document you were
19 referring to?

20 A. Yes, it is.

21 Q. And how did you obtain this document?

22 A. It came to me through the mail.

23 Q. So it came directly to you?

24 A. Yes. It came through the mail to me. It had
25 no mailing return address on it. It just came

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1 to me through the mail. So I'm just -- No one
2 ever said anything to me, who sent it to me or
3 whatever. But it was handwritten to me.

4 Q. The envelope was handwritten?

5 A. The envelope was handwritten, and that's how I
6 got it.

7 Q. I think the fifth paragraph of this letter
8 indicates that -- Well, it says, "We are doing
9 everything possible to restore our sales to
10 plan levels and reduce operating costs." Are
11 you alleging as part of this lawsuit that your
12 termination was a result of a desire to reduce
13 operating costs?

14 A. No. I think because I was such a high paid
15 supervisor and with my illness and the loss of
16 time. I think that's more the reason why I was
17 terminated. I mean I lost time being sick.

18 Q. Do you know in comparison to other employees at
19 19 East, at the 19 East plant, how your lost
20 time compared to others?

21 A. The lost time that I lost, I had doctors'
22 referral notes every time I lost time. I
23 didn't just take off because I needed a day off
24 to take my kids shopping or something like
25 that. I always had an excuse. I was sick, and

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1 I always had proof of that.

2 Q. My question is, though: How does the amount of
3 absences or lost time that you had compare to
4 other employees at the 19 East plant? Do you
5 know?

6 A. Other supervisors? I do not know. We had no
7 knowledge of any absenteeism, something like
8 that. Just when we'd have our meetings across
9 the street with our plant manager and he would
10 go over the goals and where we're at and stuff.
11 That's the only thing I ever knew about
12 absenteeism of salaried.

13 Q. Do you know what your administrative cost
14 center was?

15 A. No, I don't.

16 Q. You contend you were a highly compensated
17 employee?

18 A. Yes.

19 Q. And your supervisor at the time of your --
20 Your direct supervisor was Tom Soles; is that
21 right?

22 A. Yes, it is.

23 Q. Do you know whether he was compensated at a
24 higher rate than you?

25 A. Oh, I have no idea. I'm sure he was. He was a

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1 manager.

2 Q. Who was his supervisor?

3 A. Larry Weinsheimer.

4 Q. Do you know whether Weinsheimer was compensated
5 at a higher rate than you?

6 A. I wouldn't know that kind of stuff. I have no
7 idea.

8 Q. Other than this letter that we marked as
9 Exhibit 4, do you have any other documentation
10 or information about how Hershey intended to
11 reduce operating costs?

12 A. No more than hearsay, no.

13 Q. What kind of hearsay did you have about how
14 they intended to reduce operating costs?

15 A. You know, I have friends and I have other
16 family members that work there besides my
17 daughter. I mean, you know, people talk. You
18 just hear it in conversation.

19 Q. Well, what kind of things were you hearing?

20 A. Well, just like how they're downsizing now and
21 stuff like that. That's all.

22 Q. Well, looking at this May 1999 time frame, did
23 you hear any talk about how Hershey was going
24 to reduce operating costs?

25 A. No, not till I read this letter. That was the

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1 first I heard of it.

2 Q. What about after you read this letter? Did you
3 hear any more information or comments by
4 anybody about how they were going to do that?

5 A. You heard a lot of people commenting about it.
6 You know, what's going to happen? And stuff
7 like that.

8 Q. Did you hear any comments about what was going
9 to happen?

10 A. No. No.

11 Q. Do you know any other highly compensated
12 supervisors who were terminated around the same
13 time as you were?

14 A. There was supervisors terminated after me.

15 Q. Can you tell me who?

16 A. Doug Landis.

17 Q. Pardon me?

18 A. Doug Landis. Sid Dickinson, George Brown.
19 That's all I can remember off my head. Oh,
20 Wade Hartman was another one.

21 MR. OSTROWSKI: What was that name?

22 THE WITNESS: Wade Hartman.

23 BY MS. MAGUSCHAK:

24 Q. What was Mr. Landis the supervisor of?

25 A. Training department of -- The training

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1 department. Like they had coordinators for
2 different areas in the training department.

3 Q. When was he terminated?

4 A. It was after I was. I have no idea.

5 Q. Do you know how long after?

6 A. Maybe about two, three month, if that long. I
7 don't remember.

8 Q. Was he replaced?

9 A. I could not tell you. I don't know.

10 Q. What about Sid Dickinson, what was he the
11 manager of?

12 A. Second shift sanitation.

13 Q. Was he replaced?

14 A. I couldn't tell you. I don't know. I'm not
15 there. I just don't know.

16 Q. Do you know when he was terminated?

17 A. He was terminated in 2000 sometime.

18 Q. Do you know what -- Do you know why he was
19 terminated?

20 A. No, I do not.

21 Q. Do you know what reason he was given?

22 A. No, I do not.

23 Q. What about Mr. Landis, do you know why he was
24 terminated?

25 A. Just rumors you heard. I don't know if that's

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1 true rumors or not. I do not know.

2 Q. George Brown, what was he the supervisor of?

3 A. Well, when I was there, he was in wrapping room
4 yet, second shift wrapping.

5 Q. When was he terminated?

6 A. It was in 2000 sometime.

7 Q. Do you know whether he was replaced?

8 A. I have no idea.

9 Q. Do you know why he was terminated?

10 A. No, I don't.

11 Q. And Wade Hartman, what was he the supervisor
12 of?

13 A. He was in sanitation third shift. He was
14 terminated in 2000, but I don't know why.

15 Q. Do you know whether he was replaced?

16 A. I have no idea.

17 Q. Do you know whether you were replaced?

18 A. Yeah. I know they took -- Karen Keeton took
19 my job.

20 Q. Do you know what her salary was?

21 A. I have no idea. Nobody knew anybody's salary
22 there.

23 Q. Prior to your termination, was there any
24 information given to employees similar to the
25 information that's contained in this May 26,

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1 1999 letter?

2 A. Not that I know of.

3 Q. You also claim that you were terminated because
4 of your age; is that right?

5 A. I think age has a lot to do with it, yeah.

6 Q. On what facts do you base that claim?

7 A. Well, all of the older supervisors, we were
8 called in. Connie Buck, myself, Carl Wilson,
9 we were called in. I think it was in 1998.
10 Don't quote me on the time.

11 But somewhere around there we were called
12 in and asked us when we planned to retire. I
13 mean we didn't give them -- I didn't anyhow
14 because you never know what's going to happen.
15 My dream was to retire when I was 55.

16 Q. You said that the people who were called in --
17 Was this all at one time?

18 A. No. Individual by our managers.

19 Q. So you were called in by whom?

20 A. It was Darryl Bentz at that time.

21 Q. What specifically were you asked? Was anybody
22 else present in the room?

23 A. No.

24 Q. What do you recall?

25 A. Just at what age are we planning on retiring

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1 at?

2 Q. And you did not give a response?

3 A. I couldn't give him a response, you know. I
4 didn't have -- I know what I wanted to retire
5 at, but I mean you don't know what's ahead of
6 you.

7 Q. Who else did you say was called in?

8 A. Carl Wilson was called in, and so was Connie
9 Buck.

10 Q. Who was Carl Wilson called in by?

11 A. Darryl Bentz.

12 Q. How do you know he was called in?

13 A. Carl Wilson asked me if I was called in.

14 Q. What did Carl tell you about his conversation
15 with Mr. Bentz?

16 A. Just the same thing. He said he couldn't give
17 him an answer. We don't know what's ahead of
18 us in time. I mean we weren't near the age of
19 55 yet at that time. And, really, the age
20 limit was 57 to go out. Was it 59? I don't
21 rightly remember.

22 Q. Connie Buck; is that right?

23 A. Yes.

24 Q. Is that a male or female?

25 A. Female.

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1 Q. Who was she called in by?

2 A. Darryl Bentz.

3 Q. How do you know she was called in?

4 A. We talked about it.

5 Q. You and she?

6 A. Uh-huh.

7 Q. And what did she tell you about her
8 conversation with Mr. Bentz?

9 A. Same thing. You can't answer something like
10 that.

11 Q. This occurred while Mr. Bentz was your
12 supervisor, your direct supervisor?

13 A. I'm sure it was Mr. Bentz, yes. I don't think
14 it was Alexia. I'm pretty sure it was Darryl
15 Bentz that called us in and asked us that.

16 Q. Did you discuss that with any other managerial
17 employee at Hershey?

18 A. No. We were the oldest ones there left. The
19 other supervisors under us was a younger
20 generation.

21 Q. Did you ask Mr. Weinsheimer about it?

22 A. No.

23 Q. Did you refer to that in your conversation with
24 Cindy Lighty?

25 A. No. Didn't give it no more thought.

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1 Q. Are Carl Wilson and Connie Buck still employed
2 at Hershey?

3 A. Connie Buck is retired, and Carl Wilson is
4 still there. I think Connie Buck is going out
5 March 1st. That's when I think she's going
6 out. But she's taking that retirement, that
7 early retirement.

8 Q. She's taking an early retirement?

9 A. Yeah. She might have already gone. I don't
10 know. I haven't seen Connie since I left there
11 or talked to her. She might already be gone,
12 but I know she was taking that early
13 retirement.

14 Q. As far as you know, Wilson is still there?

15 A. Carl Wilson is still there, yeah, as far as I
16 know, because they said he wasn't taking the
17 early retirement.

18 Q. When Mr. Bentz called you in and asked you
19 this, were you offended by his question?

20 A. No, not really. I just figured it's something
21 he was told to do. It was just no more than
22 any other time calling and ask questions about
23 anything. No.

24 Q. Did he tell you who told him to do it?

25 A. No.

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1 Q. Other than this conversation or question from
2 Mr. Bentz, are you aware of any comments by
3 anyone at Hershey that we have to get rid of
4 old people or we have to get rid of people over
5 such and such an age?

6 A. No.

7 Q. Are you aware of any documents, whether you
8 have them or that you've even seen, that talk
9 about trying to get rid of older people or
10 getting rid of people over 40 or anything like
11 that?

12 A. No. They offered that -- At the time they
13 were offering that -- They had offered before
14 if you were 55 by the end of December 31st or
15 whatever you could go out on retirement or
16 something, and they just -- We just thought
17 maybe they're going to come up with another
18 offer like that. I mean it was just like
19 general conversation.

20 Q. Do you believe there were other employees other
21 than yourself who were terminated or
22 disciplined because of their age?

23 A. No, not that I know of. I mean I don't know
24 their ages. I have no idea why the other ones
25 were terminated, but they were younger than I

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1 was.

2 Q. When you say --

3 A. Like Doug Landis and George Brown and Sid and
4 them, they were all younger than I am.

5 Q. In Paragraph 20 of your complaint, you say the
6 unlawful actions by Defendant against
7 Plaintiff, to which similarly situated younger
8 employees were not subjected, were taken
9 because of her age, meaning your age.

10 You refer to similarly situated younger
11 employees. Who do you mean when you say that?

12 A. Well, there were some other supervisors that
13 were taken off of supervision to -- I don't
14 know the reason for. I guess lack of their
15 jobs or whatever. But they didn't lose their
16 job. They were offered a job back into the
17 plant.

18 Q. Who are you talking about?

19 A. Well, Sandy Weatherby, Jackie Presley, Stan
20 Bechtel.

21 Q. Stan -- I'm sorry.

22 A. Bechtel. Then there was another one too. I
23 don't know what his name was. He was from the
24 lower end. I kind of think his first name was
25 Larry, but I'm not sure what his last name was.

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1 Q. Anyone else?

2 A. Not that I can recall at the time. At this
3 time I can't think of anybody else.

4 Q. What you're saying is that they were
5 disciplined but they weren't fired. They were
6 given the alternative to go back to being an
7 hourly employee, essentially?

8 A. Yes, ma'am.

9 Q. The first person you mentioned was Sandy
10 Weatherby?

11 A. Yes.

12 Q. What was she supervisor of? Do you know?

13 A. I think at that time she was supervisor of --
14 in confectionery down in Rolo department. I
15 think so. I'm not sure.

16 Q. Then she returned to being an hourly employee
17 at some point?

18 A. Yes.

19 Q. When did that occur?

20 A. I don't know what year it was.

21 Q. Well, it was while you were employed?

22 A. Yes, yes.

23 Q. Do you know why she was demoted?

24 A. I have no idea.

25 Q. Jackie Presley, is that male or female?

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1 A. That's a woman.

2 Q. What was she supervisor of?

3 A. I'm not positive, but I kind of think she was
4 in wrapping room.

5 Q. At some point in time after that, she returned
6 to be an hourly employee?

7 A. Yes.

8 Q. Do you know why she was demoted?

9 A. I have no idea. All we were told was because
10 of lack of performance. That's all. That's
11 all you ever heard, you know. They didn't go
12 into specifics or anything. Nobody went into
13 specifics.

14 Q. Do you know how old Jackie was at the time?

15 A. No, I couldn't tell you her age. I don't know.

16 Q. What about Sandy, do you know how old she was?

17 A. I couldn't tell you that either.

18 Q. Stan Bechtel, what was he supervisor of?

19 A. He was supervisor of maintenance, third shift.

20 Q. At some point in time, he was demoted from --

21 A. Demoted from supervision back to a maintenance
22 person, but he had to go down to the lower end.
23 He was up in Area One, and he had to go down to
24 the lower area.

25 Q. Do you know why he was demoted?

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1 A. No. Just job performance. That's all we ever
2 heard.

3 Q. Do you know when that occurred?

4 A. A couple of years before me.

5 Q. Do you know how old Stan was?

6 A. No, I don't.

7 Q. This other person who may be Larry, what was he
8 supervisor of?

9 A. I really don't know. He was down at the lower
10 end. I don't know. I have no idea what he did
11 or whatever, but that was quite a few years
12 ago.

13 Q. In Count 3 of your complaint -- and you can
14 look at it if you'd like to -- you claim you
15 were terminated in order to interfere with your
16 FMLA rights or in retaliation for attempting to
17 exercise those rights. Is that correct?

18 A. Well, she gave me a hard time getting them.
19 Yes, that's how I felt about it. If I didn't
20 do what she said to go for counseling and
21 saying that I was fat when I wasn't fat -- I
22 don't think I'm fat to this day -- and telling
23 me she wasn't going to give me these FMLA
24 unless I did what she said and I'm going to
25 lose my job, yeah. Yes.

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1 Q. Were you ever denied FMLA leave?

2 A. I was up till I did what she wanted me to do.

3 Q. But you eventually got it?

4 A. Yeah. May the 8th I think it was.

5 Q. And you got the time off?

6 A. She gave that to me, yeah, right before I got
7 terminated. Yes.

8 Q. You had FMLA leave on a variety of occasions;
9 is that true?

10 A. Yes.

11 Q. Each time you returned you were reinstated to
12 your prior position; correct?

13 A. Yes, I was.

14 Q. During the times that you were on FMLA leave,
15 did they maintain for you your health benefits?

16 A. Yes, they did.

17 Q. In fact, during your FMLA leaves, you got some
18 wage replacement benefits; is that correct?

19 A. Yes, I did.

20 Q. Prior to 1999 you -- You had FMLA leave prior
21 to 1999; is that right?

22 A. Yes. FMLA, they had only started that a couple
23 years. They didn't have that for too many
24 years before I left there.

25 Q. Are you contending that you believe you were

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1 terminated for taking FMLA leave?

2 A. No, I don't think I was terminated for that. I
3 think I was terminated because of all the
4 absence I had and being a higher paid
5 supervisor.

6 Q. In Count 4 you claim that you were terminated
7 because of a disability or because Hershey
8 regarded you as a disabled; is that right?

9 A. Well, she tried to tell me that there was
10 nothing wrong with me because of my diabetes.
11 I feel that, you know, because of my illness
12 and because of the diabetes I lost time through
13 it through the stress and stuff that Darryl
14 Bentz put me through.

15 I just -- I feel that they just -- It's
16 like any other company. You're there to make
17 money. I did have a job, and you need to -- I
18 felt, you know, they got rid of me to replace
19 me with somebody that can be there all the
20 time, you know.

21 But I didn't take off unless I was really
22 sick, and I've always had a doctor's excuse. I
23 mean it wasn't like I just took off for the
24 heck of it like some of them do.

25 Q. You claim that your disability was diabetes?

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1 A. Yes.

2 Q. I think in your complaint it says diabetes and
3 related conditions. What related conditions do
4 you mean?

5 A. Well, they had me off because of -- One time
6 they had me off because of the first slight
7 stroke I had. I had absolutely no strength in
8 this side at all in my legs and stuff. But
9 that's what it was about.

10 Q. When was your diabetes diagnosed?

11 A. I think it was about '94 or '95, somewhere
12 around there. I'm not really positive on the
13 year, but somewhere around there.

14 Q. Mid 1990s?

15 A. Yeah. Yeah.

16 Q. Who diagnosed it?

17 A. Dr. Barton..

18 Q. In 1999 how did your diabetes and related
19 conditions affect you?

20 A. Diabetes can affect you in a lot of different
21 ways. When I had this on my chest, I was sure
22 it wasn't my heart. I told them that before
23 they took me to the medical center.

24 Well, my sugar was up to 400 and some. I
25 do follow a diet. But right at that time we

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1 were changing machinery over. It was a lot of
2 stress and everything going on, and I wasn't
3 even -- I wasn't over Darryl Bentz to begin
4 with, even that Tom Soles was there. You just
5 don't get over something like that overnight.
6 No matter what, I still had to see him in the
7 halls and stuff like that.

8 You feel good one time, and the next time
9 you don't. I mean you get weak. You get very
10 weak at times. Some people sleep a lot with
11 it, which that never -- I just get real weak
12 and sick. Like terrible, terrible headaches
13 anytime you're put under a lot of pressure or
14 tension or whatever that was going on.

15 Diabetes can react in so many different ways.

16 Q. Did your diabetes and related conditions affect
17 you in your ability to work?

18 A. Just the times that I was really sick with it,
19 when it went up real high. I just wasn't able.
20 I couldn't -- I had no strength to go.

21 Q. To go to work, you mean?

22 A. Right. It's just so hard to explain to you
23 unless you ever dealt with it yourself. Like
24 when your sugar is real high, you get pains, so
25 many pains in your legs and your feet. I mean

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1 it's -- You just don't function right, in
2 plain words.

3 Q. Did your diabetes affect you in your ability to
4 care for yourself?

5 A. No. I've always cared for myself.

6 Q. Did your diabetes affect you in your ability to
7 walk?

8 A. Sometimes you get staggers if your sugar was
9 high, yes.

10 Q. Did you ever have to use a wheelchair or a
11 walker or a cane or anything like that?

12 A. No.

13 Q. Did your diabetes affect you in your ability to
14 see?

15 A. Sometimes. I mean sometimes -- It wouldn't
16 stay, you know. Just sometimes your eyes get
17 blurry.

18 Q. I see you have glasses. Do you wear glasses?

19 A. Yes, I do.

20 Q. Did you wear glasses before your diabetes was
21 diagnosed?

22 A. Yes, I did. I wore glasses just for
23 nearsightedness before. Since I have diabetes,
24 my eyes have got worse than what they were.

25 Q. With your glasses, is your vision okay?

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1 A. Yes.

2 Q. Did your diabetes or does your diabetes affect
3 you in your hobbies, such as fishing?

4 A. Sometimes. If you don't -- When your sugar is
5 up, I surely don't go out here on that river,
6 you know. No.

7 Q. Did your diabetes affect you in your sewing or
8 crafts?

9 A. Yeah, at times.

10 Q. In what way?

11 A. Well, like I just said to you, if you really
12 get stressed out, it seems like everything
13 starts running together for you or whatever.
14 You just -- If your sugar goes up at all, your
15 eyesight can get blurry or whatever. So I just
16 don't do them. If I mind it, I just put it
17 away.

18 Q. Did your diabetes affect your ability to
19 exercise? You told me you exercise to a
20 videotape or something like that.

21 A. Yeah. I exercise ever since Carol Haskell had
22 got on me. If I don't feel up to it, I just
23 don't do it, if you feel tired or weak or
24 whatever.

25 Q. Do you think the exercises helped your

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1 condition?

2 A. Yes. Exercise does help sugar diabetes. They
3 want you to exercise, but I mean you can't
4 exercise all the time either.

5 Q. How frequently would you say your sugar is
6 elevated so that you can't sew or do your
7 crafts?

8 A. When are you talking about? Now, or are you
9 talking about then when I worked at Hershey?

10 Q. In 1999.

11 A. In 1999 I didn't do no crafts and sewing and
12 stuff.

13 Q. Why not, or did you just take it up?

14 A. What?

15 Q. Why not?

16 A. I couldn't do it. I was sick in 1999.

17 Q. Throughout 1999?

18 A. No. That started with that on my chest in
19 February. I didn't go back into it. I did
20 start the exercising like Carol Haskell wanted
21 and stuff like that. But I wasn't sewing and
22 fishing and hunting or anything like that, no.

23 Q. Are you aware of any other Hershey employees
24 who you believe were terminated because of
25 health issues?

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1 A. I have no idea why they were terminated. I
2 have no -- No.

3 Q. How do you believe you were discriminated
4 against with respect to your diabetes
5 disability?

6 A. I don't feel I should have had to go through
7 what Carolyn Haskell put me through. I don't
8 think I needed any counseling, to go down there
9 and tell them that she's making me come here
10 because it's either me come here or lose my job
11 because that's what she wants. She disrespect
12 --

13 Q. I'm sorry. Go down there and tell them. Who
14 do you mean?

15 A. Tell Dr. Hower I'm only here because I have to
16 be here because Carol Haskell told me that I'm
17 fat and that it's all in my head about my
18 diabetes.

19 I was bitter. I mean I loved Hershey. I
20 gave everything I had all them years for
21 Hershey. I put Hershey before my family many,
22 many times.

23 Q. Had you ever seen Dr. Hower before 1999?

24 A. Yeah. I took my daughter there.

25 Q. Had you personally ever seen him?

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1 A. Over my daughter, yeah. I took my daughter
2 there, and we talked with her, and we talked
3 privately. She had a baby at 16 years old.

4 Q. When was that, approximately? I mean when you
5 saw Dr. Hower.

6 A. Terry had Gared in '91. I don't know. It
7 might have been '93, '94. I don't know what
8 year it was that she was having some real bad
9 problems. We had a program at Hershey that you
10 could take your children for counseling or
11 whatever, and I took Terry, yes.

12 Q. Did you see Dr. Hower in 1997 at all?

13 A. I really don't know if I did or not. It could
14 have been. I don't know. I took Terry to two
15 different doctors. There was a doctor in
16 Harrisburg too, but I don't remember what his
17 name was.

18 Q. Do you know if Cindy Lighty knew anything about
19 your diabetic condition?

20 A. I can't say yes. I can't say no. I would
21 think she would have communicated with the
22 medical department there, with Carol Haskell.
23 I would think she would anyhow. If she was
24 doing her job, I would think so. I can't say
25 that. I don't know.

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1 Q. In any of your conversations with her, did she
2 say anything about your diabetic condition?

3 A. No, she did not. Not that I remember, no. I
4 did tell her about being under doctor's care.
5 I did tell her about that.

6 Q. What did you tell her?

7 A. That was when she called -- We went down
8 there. You know, what Dr. Dhaduk said and that
9 it was my sugar. That's all I told her.

10 Q. I'm sorry. When you went down there?

11 A. When she had called me down there when they put
12 me out on suspension, you know. But that was
13 about it. It was just a short conversation.

14 Q. When you were suspended, during that
15 conversation with Cindy Lighty, you told her
16 about seeing Dr. Dhaduk; is that right?

17 A. Yes.

18 Q. Tell me what you remember about what you told
19 Cindy at that time.

20 A. All I know is that when she called me in there
21 she said, You know what we're in here for,
22 Linda? We're in here for honesty.

23 And I said yes.

24 At that time it was over a meeting that my
25 people had, and I told her everything that

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1 happened at that meeting and the truth about
2 it.

3 I told her. I said -- She couldn't
4 believe that when I went back to the floor, my
5 department and stuff, that I didn't pay no
6 attention to the clocks. Well, no, I didn't
7 because I work second shift and it was into
8 third shift. I didn't even look at no clocks.

9 I told her. I said, Well, you know, I've
10 been under so much stress, and I said going to
11 the doctors. And I told her what Dr. Dhaduk
12 and them said. And that was about it that I
13 can remember of it.

14 Q. What did you tell her that Dr. Dhaduk said?

15 A. That I had another slight stroke. I told her
16 that. I don't even remember what her remarks
17 was.

18 Q. That was my next question. Did she say
19 anything about that?

20 A. I don't even remember what her remarks was.

21 Q. Was anybody else in the office at that time, or
22 was anybody else in that meeting?

23 A. Tom Soles was with me that time.

24 Q. Did he say anything about --

25 A. Tom Soles didn't say a word. Tom Soles did say

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1 weeks before that when I wasn't feeling good,
2 he said, Now, Linda, if you can't do your job,
3 maybe I can find you something else to do if
4 you want to do it.

5 I said, No. I'll do my job.

6 Tom Soles did offer me that.

7 Q. When did he say that?

8 A. That was when I came back right after I was so
9 sick.

10 Q. In March of '99?

11 A. Yeah, somewhere in there. I can't give you the
12 date or whatever.

13 Q. But in that time frame?

14 A. Somewhere in that time frame Tom did say that
15 to me.

16 Q. Were you offended when he said that?

17 A. No. I thought it was very nice of him. Tom
18 Soles would call to the house and ask me how I
19 was. I mean he was a very concerned person.
20 No, I wasn't offended at all. I thought it was
21 very nice of him to even offer that, but I felt
22 that I could do my job.

23 Q. In Paragraph 31 you also say that you were
24 regarded by Defendant as being disabled. Who
25 do you believe regarded you as disabled?

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1 A. Carolyn Haskell.

2 Q. Why do you say that? What makes you believe
3 that?

4 A. Well, how she treated me. I mean I was there
5 doing my job, and she still acted like I had to
6 do what she wanted me to do just to keep a job.
7 It was very defensive when she told me that it
8 was in my head and that I was fat and I had to
9 go to a counseling psychiatrist to talk to him.

10 Q. Is it fair to say that Carolyn Haskell thought
11 that you were medically able to do your job?

12 A. She thought so, yeah. To me she was hassling
13 me.

14 Q. Other than Carolyn Haskell, was there anyone
15 else who you believed regarded you as disabled?

16 A. Carolyn Haskell had an assistant there, and I
17 can't remember her name. I had talked to her
18 one time.

19 Q. Kathy Mull?

20 A. Was it Kathy Mull? She's a younger girl.

21 MR. JACKSON: I don't know. Everybody is
22 young.

23 A. I kind of think she took Carolyn Haskell's
24 place now.

25 MS. MAGUSCHAK: I don't know.

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1 A. I don't know. She told me too. She said about
2 me being fat. But I just don't remember what
3 her name was, but I kind of think she took over
4 for Carolyn Haskell when Carolyn Haskell left
5 there. Well, I know she did, whatever her name
6 was.

7 Q. Other than Carolyn and her assistant, anybody
8 else that you believe regarded you as disabled?

9 A. No.

10 Q. And am I correct that the reason you believed
11 that is the comments that Carolyn made to you
12 in 1999 --

13 A. Yes.

14 Q. -- that we already talked about?

15 A. Yes.

16 (June 24, 1999 PA Human Relations
17 Commission Complaint, three pages, was produced
18 and marked Weaber Exhibit 5.)

19 BY MS. MAGUSCHAK:

20 Q. I'm going to show you a document that we've
21 marked as Weaber Exhibit 5. Now I show you a
22 document that we've marked Weaber Exhibit 5.
23 Is this the original claim you filed with the
24 Pennsylvania Human Relations Commission?

25 A. I don't know. This is what I typed up on my

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1 computer trying to keep my thoughts together.

2 Q. And the date on it is June 24, 1999; is that
3 right?

4 A. That's right, yes.

5 Q. You typed this yourself on your home computer?

6 A. Yes.

7 Q. Is this your signature on the last page?

8 A. Yes, it is.

9 Q. Did you send this to the Pennsylvania Human
10 Relations Commission?

11 A. I think I did. I'm not sure. Yes, I guess I
12 did. Yes.

13 (2/15/2000 PA Human Relations Commission
14 Amended Complaint, three pages, was produced
15 and marked Weaber Exhibit 6.)

16 BY MS. MAGUSCHAK:

17 Q. Now I've put in front of you a document that
18 we've marked as Weaber Deposition Exhibit 6.
19 Is that the amended complaint that you filed
20 with the Pennsylvania Human Relations
21 Commission?

22 A. Yes.

23 Q. Is that your signature on the third page?

24 A. Yes, it is.

25 Q. Is that dated 2/15/2000?

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1 A. Yes, it is.

2 (2/13/01 EEOC Notice of Right to Sue, one
3 page, was produced and marked Weaber Exhibit
4 7.)

5 BY MS. MAGUSCHAK:

6 Q. Ms. Weaber, I put in front of you what we've
7 marked as Weaber Exhibit 7. Is that the Notice
8 of Right to Sue that you received from the
9 EEOC?

10 A. Yes, it is.

11 Q. Going back to Exhibit 6, I note that in the
12 first paragraph on the top of the second page
13 it says, "On or about May 13, 1999, Cynthia
14 Lighty, corporate attorney, suspended me
15 because of my age, 51 and or gender, female and
16 or non-job related disability, diabetes and or
17 perceived disability, mental."

18 There does not appear to be in the federal
19 court complaint a sex discrimination claim. Am
20 I correct that you're not pursuing a sex
21 discrimination claim?

22 A. No, I'm not.

23 Q. Pardon.

24 A. No, I'm not.

25 Q. I asked it poorly. Are you pursuing a sex

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1 discrimination claim in the federal court case?

2 A. No, I'm not.

3 Q. When you were terminated, what position did you
4 have at that time?

5 A. I was a supervisor of Kiss and chip molding,
6 Kiss wrapping and chip molding.

7 Q. How long had you had that position?

8 A. I would say approximately three, four years. I
9 had molding before that. I was in third shift
10 molding.

11 Third shift Kiss was out of hand as far as
12 supervision and the employees. Vince Castelli
13 was my manager at that time. He called me in
14 and asked me if I would go over to Kisses third
15 shift to get it straightened up. I agreed to
16 leave third shift molding to go over to Kisses
17 to get it straightened up.

18 The third shift job was handed out, and
19 Dave Fortna was supposed to get third shift
20 Kisses. But the lower end, his area, hadn't
21 shut down yet, and they were waiting for him to
22 come up.

23 So then when it was time for him to come
24 up to third shift Kisses, Vince Castelli asked
25 me to stay there and let Dave go to molding

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1 because Dave was from condensing and he only
2 had maybe about 15 people, where Kiss
3 department sometimes ran from 67 people to 107
4 people, maybe more. So they thought it would
5 be easier for him to learn molding at our end
6 than Kisses right away because of all the codes
7 and production going out and all that.

8 So I agreed to that. I had got a pretty
9 nice raise for staying in Kisses for him.

10 Q. Who was your first supervisor in that position?

11 A. In Kisses?

12 Q. Yes.

13 A. Vince Castelli. I went to Kisses when I first
14 became supervisor, too, in '84.

15 Q. In '84 was your first supervisory position?

16 A. Yes. And my assignment was Kisses on third
17 shift. We had so many managers. The managers
18 that we had was there a couple weeks and gone
19 in the next couple of weeks. I don't remember
20 who the manager was at the beginning. I know
21 who it was. It was Al Heatwole.

22 Q. Who?

23 A. Al Heatwole.

24 Q. He was --

25 A. He was the manager. He was our manager, Al

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1 Heatwole. That's who it was. He had molding
2 and Kisses.

3 Q. And after Al left, who was your next manager?

4 A. Oh, my. It was so many of them. Phil Ceresini
5 was there. Linda Menischeschi was there.

6 Vince Castelli was there. Larry Weinsheimer
7 was there. Alexia was there.

8 Q. Alexia was the manager immediately prior to
9 Darryl Bentz; is that right?

10 A. Yes. Darryl Bentz.

11 Q. How long was Alexia your manager?

12 A. I would say about a year and a half, somewhere
13 around there. Approximately a year and a half
14 to two years, I think.

15 Q. When did you change to second shift from third
16 shift?

17 A. I would say maybe '97. I'm not quite sure what
18 year it was.

19 Q. When Alexia was your supervisor, what shift was
20 that?

21 A. I was on second shift, Kisses.

22 Q. In your most recent position, approximately how
23 many employees did you supervise?

24 A. Like I said, sometimes when we were in slow
25 motion, it could go down to 67. When we were

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1 in full motion, we had Kiss molding and Kiss
2 chip molding. It would sometimes go up to 113.

3 Q. Prior to May of 1999, had any manager at
4 Hershey Foods ever raised an issue or had a
5 conversation with you about honesty?

6 A. Cindy Lighty and I did.

7 Q. When was that?

8 A. Cindy Lighty and I had that conversation about
9 Darryl Bentz.

10 Q. Was that the conversation that you referred to
11 earlier after Tom Soles replaced Darryl Bentz?

12 A. Yes.

13 Q. Prior to May 1999, had any manager at Hershey
14 ever raised an issue or had a conversation with
15 you about your honesty?

16 A. Darryl Bentz.

17 Q. When was that?

18 A. I can't give you the date. I don't know what
19 the date was.

20 Q. Approximately.

21 A. That was over what we talked about earlier,
22 about Karen Keeton's husband and stuff. I
23 would say in '98, '97, '98.

24 Q. Anyone else other than Darryl Bentz talk to you
25 about your honesty?

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1 A. No. But I did go back and say something to
2 Connie Buck about what he talked to me about.

3 Q. What Darryl Bentz talked to you about?

4 A. Yeah. I said to Connie, I said, Now you worked
5 with me all these years. I said, Have I ever
6 been dishonest? Do you know of me ever saying
7 something that wasn't true or dishonest?

8 She said, No, Linda. She said, Why would
9 he say that?

10 I said, I have no idea.

11 May I be excused for a few minutes?

12 MS. MAGUSCHAK: Sure.

13 (Recess taken.)

14 (Document entitled Performance Management,
15 January 1998 to December 1998, 11 pages, was
16 produced and marked Weaber Exhibit 8.)

17 BY MS. MAGUSCHAK:

18 Q. I'm going to show you a document that we've
19 marked as Weaber Exhibit 8, which is a
20 Performance Management document for you with a
21 review period of January 1998 through December
22 1998. Have you seen this document before?

23 A. Yes, I have.

24 Q. If you could, turn to Page 11 of that document.

25 A. Yes.

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1 Q. Under Performance Summary, do you see that?

2 A. Uh-huh.

3 Q. The third sentence says, "There is a negative
4 perception among many of her peers that she
5 needs to remedy." Do you know what he was
6 referring -- I'm assuming Tom Soles wrote
7 this. Is that correct?

8 A. That's right.

9 Q. Do you know what he was referring to there?

10 A. Yes. He was referring to Darryl Bentz.

11 Q. He's referring to "many of her peers." Do you
12 know what that means?

13 A. Not unless he meant Larry too. I have no idea.
14 He didn't explain it to me. He just said it
15 was because of Darryl's performance before
16 this, that when he put me on probation.

17 As you can see, everything else I done was
18 excellent. I never had no trouble with any
19 manager until Darryl.

20 Q. Under Plans for Training and Development, the
21 second sentence of that says, "Linda must
22 continue all efforts on the development plan
23 above and must restore trust and confidence of
24 others." Do you know what that refers to,
25 "must restore trust and confidence of others"?

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1 A. No, I don't. The only thing I know -- The
2 only thing I -- What I can tell you about this
3 here is Karen Keeton -- She was the third
4 shift supervisor of Kisses, and I was the
5 second shift supervisor.

6 No matter what second shift did -- We had
7 a little book there, a little black book.
8 Anything that happened on our shift we'd write
9 it down on there.

10 Karen had a habit of going to Sam Selvey,
11 which was her superintendent for third shift.
12 No matter what she might have found wrong, she
13 would go to him, and then he would take it to
14 Tom Soles.

15 To make a long story short, it had got so
16 bad my working foreman, Greg Marks, would
17 actually -- When she came in for her shift --
18 We always overlapped, came in early to see what
19 was going on. You had to, or you wouldn't have
20 been able to come in at 2:30. Like I was
21 always there about ten of two. My shift
22 started at three o'clock.

23 But she would -- He would actually get up
24 and walk out because he would not communicate
25 with her at all.

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1 Q. Who would?

2 A. Greg Marks, because of her little remarks that
3 she would write in this book about always our
4 shift. She would go to Sam about this and Sam
5 about that.

6 Well, it had come down to the point that
7 Tom Soles called Karen in and told Karen about
8 going to Sam about everything. I mean it
9 wasn't really -- It was just nitpicking of
10 stuff, and it was just because she didn't like
11 me, in plain words.

12 I mean I tried to do everything I could do
13 to work with her, but I wasn't going to make my
14 relief supervisor stay in there if he didn't
15 want to stay in there. I would communicate
16 with her what was going on, what we were
17 supposed to do or whatever.

18 That's the only thing I would say it was
19 about.

20 Q. As far as you know, that's what it refers to?

21 A. That's what I was told. That's the only thing
22 I can tell you about it. I don't know of
23 anything else.

24 Like I had told you before, I had tried to
25 communicate with everybody I could and stuff.

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1 Right there he's saying that we did excellent
2 communication and stuff. I mean I don't know
3 what else.

4 Q. Is that your signature on the bottom of that
5 page?

6 A. Yes, it is.

7 (Document entitled Performance Management,
8 January 1997 to December 1997, 10 pages, was
9 produced and marked Weaber Exhibit 9.)

10 BY MS. MAGUSCHAK:

11 Q. I'm going to show you a document that we've
12 marked as Weaber Deposition Exhibit 9, which is
13 a performance management document for you. It
14 says the date of the review period is January
15 of 1997 to December of 1997.

16 A. Yes.

17 Q. Turning to Page 10 of that document -- Are you
18 with me?

19 A. Yes, I am.

20 Q. Is that your signature at the bottom of the
21 page?

22 A. Yes, it is.

23 Q. The performance rating on that document says
24 "not fully achieved." Is that right?

25 A. That's what it says.

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1 Q. This performance appraisal, to the best of your
2 knowledge, was done by Darryl Bentz; is that
3 right?

4 A. Yes, it was.

5 Q. In the second sentence under Performance
6 Summary of that document, it says, "Through
7 various sources it has been verified that Linda
8 periodically has utilized profanity and
9 intimidation tactics to get hourly personnel to
10 do their jobs and/or has fabricated untruths in
11 an attempt to establish her point of view."
12 Did I read that correctly?

13 A. You read that correctly. We had a policy there
14 with Pat Kilgore. You're not even allowed to
15 swear. I've never did that.

16 My choice was sign this -- You had to
17 sign this paper no matter what he wrote on
18 here, and I signed it. It was no sense in
19 arguing with him because I was fighting a
20 losing battle with him. If you read it all,
21 you can just tell right there he was totally
22 against me or whatever.

23 But everything in front of this thing,
24 everything in front of here, our achievements
25 for the year and stuff, all us supervisors in

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1 the area had the same ones. Like on Page 9
2 everything -- We all had the same thing.

3 Q. I'm sorry. I'm not understanding what you
4 mean.

5 A. Well, we were all judged by the same
6 performance, everything, you know.

7 Q. The same objectives, is that what you mean?

8 A. Yeah, we all had the same objectives.
9 Everything was the same.

10 Q. And what do you mean when you say that?

11 A. Well, what I'm saying, if everything -- Like
12 starting from Page 2, 3, them two were
13 achieved. Four was achieved.

14 The beginning of the year we all put our
15 objectives together, and we all worked as a
16 team to make sure they followed out for the
17 year. Everything was achieved. I mean he
18 wrote what he wanted to write about me, and you
19 have no other choice except to sign them.

20 If you see here, they overwrote themselves
21 down here. I had to sign it on 2/9, and they
22 changed theirs back to 1/29 and 2/30.

23 Q. I'm sorry. Your point in making that comment
24 was --

25 A. Well, first they had 1/29 and 1/30, Larry did.

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1 They signed it before I signed it.

2 Q. Darryl Bentz became your supervisor in 1996; is
3 that right?

4 A. I think it was '96, yes.

5 Q. Did you believe that you were discriminated
6 against at Hershey before that time?

7 A. No.

8 Q. Are you aware of any facts that show that
9 Darryl Bentz had any involvement in the
10 decision to suspend or terminate you?

11 A. No.

12 Q. Are you aware of any facts that show that
13 Carolyn Haskell had any involvement in the
14 decision to suspend or terminate you?

15 A. No.

16 Q. Do you think it's fair to say that Darryl Bentz
17 didn't like you?

18 A. Yes, I do.

19 Q. And he didn't get along with you?

20 A. He didn't like me, no.

21 Q. Is it correct that -- I think you testified
22 before that he was a friend of your ex-husband.

23 A. Yes.

24 Q. Would you agree that the way in which Darryl
25 Bentz mistreated you had nothing to do with

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1 your diabetes? Is that right?

2 A. That's right.

3 Q. Would you agree that Darryl Bentz's
4 mistreatment of you had nothing to do with your
5 age?

6 A. I don't think so, no.

7 Q. Would you agree that Darryl Bentz's
8 mistreatment of you had nothing to do with the
9 level of your salary?

10 A. I don't think so.

11 Q. Would you agree that Darryl Bentz's
12 mistreatment of you had nothing to do with your
13 use of benefits?

14 A. I don't think it was that either, no.

15 Q. Just to clarify for the record, when you say
16 you don't think so, are you agreeing with my
17 statement that I just made? I don't think I
18 was asking the question too clearly. I just
19 want to make sure we're on the same wavelength.

20 A. I don't think it has nothing to do with that,
21 no.

22 Q. Do you believe that Darryl Bentz's mistreatment
23 of you had anything to do with your taking time
24 off work?

25 A. No. I just think that that's a way that he

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1 could pick on me. May I add a statement to
2 this?

3 Q. Sure.

4 A. I think after a couple -- I don't know how
5 long it was. I can't give you an exact time.
6 Darryl Bentz closed the door one day when we
7 were in, and he said -- He put his arms around
8 my shoulder, and he said, Let's try to start
9 over from a fresh start.

10 Q. I'm sorry. Did you say when that was?

11 A. It was a couple months after he was manager.

12 I said, That's fine, Darryl.

13 I felt very uncomfortable. I'll be
14 truthful with you. But I just took it that he
15 meant it from his heart. I mean the man has a
16 Bible on his shelf there all the time there,
17 you know. But it didn't work out that way.

18 Q. Things didn't change?

19 A. Nothing changed. I thought he was sincere, but
20 he wasn't.

21 Q. What is the Kiss-Chip Operation Support Team?

22 A. That was a team of rework and waste,
23 corrugated, safety, sanitation. Did I say
24 rework?

25 Q. Yes.

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1 A. Waste. Everything combined into a department.

2 Q. How did you become involved in that?

3 A. Alexia was there. Each supervisor had -- She
4 assigned each supervisor certain parts of it to
5 take care of. Each of the three supervisors in
6 molding had a section to do. The three
7 supervisors in Kisses had a section to do.

8 Well, then when Alexia left, well, none of
9 the rest knew. It all got thrown on me that I
10 had to do it all, every one of them. They used
11 to be divided out to the groups. Then Darryl
12 told me that I had to do it all.

13 Q. What was it that you were doing?

14 A. What we did, we went around. We did
15 inspections, safety inspections. If we seen
16 anything wrong, we had to write a sheet up. We
17 went around with the plant -- John Harmony. I
18 went around with him for inspections of the
19 department.

20 As a team, we cleaned up stuff that
21 shouldn't have been laying around. We got rid
22 of all the cabinets people couldn't -- They
23 had personal cabinets there. We got rid of all
24 the cabinets. We did everything that had to do
25 -- If we had corrugation problems, we worked

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1 with the people on that. We took care of
2 chairs for the break room. We took care of the
3 waste problems, what we could do to prevent
4 less waste, have pans made for underneath the
5 baggers or wherever we needed pans, oil pans
6 where it might have been dripping from the
7 motors.

8 We worked with maintenance and the
9 carpenter shop and everything and had
10 everything fixed up like it belonged to make
11 the department in order like it should have
12 been.

13 Q. Let's say in 1999 who else was -- You were on
14 that team in 1999; correct?

15 A. Yes.

16 Q. Were you the leader of the team?

17 A. Yes, I was.

18 Q. Who else was a part of it in 1999?

19 A. Ken Smith, Tom Landis, Henry Graby.

20 Q. Henry -- I'm sorry.

21 A. Henry Graby.

22 Q. Bob Haas, Raymond Wolfe, Dale Godwin, Mike
23 Tomei. I think that was it in '99.

24 Q. Were those people you just mentioned hourly
25 employees?

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1 A. Yes, they are.

2 Q. How often would the group meet?

3 A. One month we would meet on first shift, and the
4 next month we would meet on third shift.

5 Q. So once a month?

6 A. Once a month.

7 Q. Did the group meet on May 6 of 1999?

8 A. Yes, they did.

9 Q. Do you know if everyone was there, all the
10 people you just mentioned?

11 A. No, they weren't.

12 Q. Do you know who was there?

13 A. Yes. And I missed one name. I just thought of
14 his name. That was Greg Weikel.

15 Q. Greg --

16 A. Weikel.

17 Q. Do you know how to say that?

18 A. W-E-I-K-E-L. People that was there was Dale
19 Godwin, Ken Smith, Tom Landis, Raymond Wolfe,
20 Bob Haas, and Mike Tomei, and he came in at 11
21 o'clock.

22 Q. So Greg Weikel and Henry Graby weren't there?

23 A. Right.

24 Q. What shift did that meeting occur during?

25 A. That night they came in at 7 o'clock until 3

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1 o'clock in the morning.

2 Q. Seven p.m. to 3 a.m.?

3 A. Uh-huh. Yes, ma'am.

4 Q. So the meeting began at 7 o'clock?

5 A. Yes, ma'am.

6 Q. Where was the meeting held?

7 A. It was held -- I can't remember the room

8 number. It was over in the office side. I

9 could take you to the room, but I couldn't tell

10 you the number of it. It was up on the third

11 floor. I kind of think it's 3035, but I don't

12 remember.

13 Q. Did you take any notes during the meeting?

14 A. Yes.

15 Q. Do you still have those notes?

16 A. I don't have them, no. Everything I had was
17 there in the office when I left.

18 Q. What office?

19 A. In my supervisor's office.

20 Q. Let me ask you about that, and then we'll move
21 on. Did you have files in your supervisor's
22 office?

23 A. Did we have files?

24 Q. Files, yes.

25 A. Files of what?

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1 Q. Did you keep files in your supervisor's office?

2 A. Yes.

3 Q. Did you have a separate file for the support
4 team?

5 A. No. Hank Graby had that. We'd have a book.
6 He was the secretary. He did all the minutes,
7 and he would -- Everything would go in one
8 book.

9 All the supervisors, all the maintenance,
10 whoever we contacted, and John Harmony, they
11 all got copies of the minutes every month. Tom
12 Soles got a copy of the minutes every month.
13 So did Larry Weinsheimer.

14 If Henry Graby wasn't there, Dale Godwin
15 took the notes. They were the secretaries.

16 Q. Do you know whether Dale Godwin took notes on
17 May 6th?

18 A. I'm sure he did, yes.

19 Q. Do you know whether anyone else took notes,
20 other than you and Dale Godwin?

21 A. I couldn't tell you. I don't know. I don't
22 remember.

23 Q. What do you recall occurring at that meeting?

24 A. Well, at that meeting we had a lot of work to
25 do. We were working with safety with Ann

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1 Menischeschi, and we had to write a mission
2 statement, what we planned to accomplish. She
3 had gave us some questions and stuff, and we
4 did that, and I had faxed it to her that night.

5 Q. Was she at the meeting?

6 A. No, no. But she had been at meetings before
7 with us, but not that night, no.

8 We did our inspection. We went through
9 the department, did our inspection. We picked
10 up some stuff. We did other odds and ends. We
11 finished some other paperwork we had. We had
12 taken no breaks till -- Oh, it was almost --
13 It was almost 10 o'clock. They said the
14 cafeteria wasn't open. So they decided to go
15 over across the street at the pizza place
16 there.

17 When we got over to the pizza place, they
18 were closing down. They had the grills and
19 stuff shut down. They said they would make us
20 a cold sandwich, though. They made us a cold
21 sandwich. We ate our sandwich, and we came
22 back. I only ate half of my sandwich.

23 I reported in to security, as a matter of
24 fact, to my ex-husband, about something that
25 was going on in a car in the parking lot after

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1 work. We went back up there.

2 In a little while, Mike Tomei came over
3 because he worked his full shift, which was
4 till 10:54. Then he came over, and I had asked
5 him if he wanted the other half of that sub
6 because I didn't want it.

7 We did all our work, was on the computer
8 communicating with people what had to be done.

9 Q. Let me just ask one question. When you came
10 back from the pizza place, did you reconvene at
11 whatever the number of that room was, the same
12 place?

13 A. Yes, we did, ma'am. Yes.

14 We did some more work and made copies of
15 things. Tom Landis, he said -- I don't know
16 -- He looked down at his side. Now, he was on
17 the fire crew. I don't know if he had his
18 pager on or if he had a watch in his pocket or
19 whatever, because it's kind of a wide table
20 like this, maybe not quite as wide as this. I
21 was sitting on that side. He was sitting here.

22 Q. I'm sorry. When you say he was sitting here,
23 he was sitting across the table from you?

24 A. Yeah, he was sitting across the table from me.

25 He looked down. He said, Oh, it's a

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1 quarter of. It's time to get out of here,
2 because in Kisses they punch in at 54. You
3 have to be punched in by 54. Like they punched
4 in at 6:54.

5 There was no clock in the room. There was
6 no clock in that room. So I thought -- I told
7 them, Hey, thanks for a good meeting. We
8 scheduled our meeting for the next month, the
9 date. We went over the date, which I had
10 already had them scheduled for a year as far as
11 the rooms, but we went over the date.

12 And the first shift meeting -- As a
13 matter of fact, at the first shift meeting, the
14 next meeting, I was going to tell them there
15 wasn't going to be no more third shift meetings
16 because I thought we had it pretty well
17 covered. We could go down to one meeting every
18 other month.

19 Ken Smith was sitting on the side I was,
20 the opposite side from Tom Landis. He said,
21 Yeah, let's get out of here.

22 I thanked them for the meeting, and they
23 left.

24 I just went over to the department, and I
25 got over to the department. At that time we

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1 had two computers. We were just getting our
2 office set up. We used to only have one
3 computer, and then they had the second computer
4 in.

5 Well, Karen was on the one, because she
6 had third shift Kisses at the time. Marian
7 Dalbert and Greg Weikel, they were just putting
8 that -- SAP, the shipping, we were just
9 getting that in over there. They were just
10 starting it up, and they were trying to work on
11 that. I was watching them trying to figure
12 this out because they were having so much
13 problems with it.

14 I put my books and everything away and
15 asked Karen if she needed any help with
16 anything because Marian Dalbert was her relief
17 supervisor. She said no; she's fine.

18 So I went over and put in a paper for a
19 half a day, wrote out a paper for a half a day
20 of vacation, and I left. I went home.

21 How my home is set up -- I had sold my
22 big house, and we moved into a smaller home.
23 When you walk in the back door, here is our
24 family room and here is our bedroom. So my
25 husband was in bed. I didn't even turn no

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1 lights on. I just went in and crawled in bed.
2 I was tired after all them hours.

3 They're trying to say that I left -- I
4 don't even know what time they did say.

5 When I was called over to the office --
6 Well, the following day we had vacation. It
7 was the first Friday of May. Monday and
8 Tuesday I had situation leadership class up on
9 the hill, up at corporate.

10 I had told Mike Tomei that he'd only be
11 getting four hours' pay, that he wouldn't get a
12 full pay, and he didn't care. That's what he
13 said. He said, Well, I don't care, because his
14 working foreman had called me and asked me if
15 he was coming in Thursday. And I said, No, he
16 said not.

17 So we had situation leadership Monday and
18 Tuesday. And his regular boss, Tom Zidik, was
19 there; but Tom didn't talk to me at all.

20 I went back into work on Wednesday, went
21 over to the third floor office where we always
22 met to see if anybody needed people or who had
23 people or whatever. All the supervisors
24 gathered up in there at 2:30 to see if anybody
25 needed anybody.

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1 I told Tom -- And Jay Albright was his
2 relief supervisor at the time, which I think
3 he's salaried now. I think so anyhow.

4 Q. Tom who?

5 A. Tom Zidik. I said to Tom Zidik, Mike only
6 worked four hours on Wednesday night.

7 Tom Zidik said, Well, Tuesday was the end
8 of pay period.

9 I didn't even give that a thought.
10 Tuesday was the end of the pay period.

11 I said, Well, you'll have to take it off
12 the next pay. Didn't think nothing of it.

13 Well, I go over to the department. The
14 next thing I know Tom Soles calls me up and
15 calls me in the office and talks to me about
16 this meeting. He said that we left -- I don't
17 remember what it was. I think it's on this
18 paper. I wrote it down, what he told me.

19 Q. Exhibit 5 I believe is what you're looking for.

20 A. Is that what I'm looking for?

21 Q. I believe so. Is that what you're looking for?

22 A. Yes. He told me we left at 1:20.

23 And I told him. I said, Tom, I don't
24 know.

25 I told him what happened, what Tom Landis

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1 said and what Ken Smith said, which Ken Smith
2 was my relief supervisor.

3 I told him. I said, There was no clock in
4 the room. I told him that if they did that I
5 will write them up. I will call them in, and I
6 will write them up, or you can take it even out
7 of my pay, I said to him. That's just how I
8 said it to him.

9 He told me to go back to work. I went
10 back to work.

11 The next day I come in. I get called
12 right into the office, go down to Cindy
13 Lighty's office with Tom Soles. All Tom Soles
14 said to me --

15 Q. Let me just stop you. The meeting that you had
16 with Tom Soles that you just testified about,
17 was it just you and Tom or was anybody else in
18 the room?

19 A. No. It was just Tom and I.

20 Q. Go ahead.

21 A. We went down. He called me over, shut the
22 door. I went to shut the door.

23 He said, You don't have to shut the door.
24 We've got to go down to Cindy Lighty's office.

25 I said, Okay.

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1 We're walking down the steps. And he
2 said, This is heavy stuff.

3 I just looked at him. I said, All right.
4 And I went down.

5 She asked me, and she said, Linda, do you
6 know what this meeting is about?

7 And I just looked at her. And she said,
8 Do you know how we had a meeting before about
9 honesty?

10 I said, Yes.

11 So I told her the whole story I told Tom
12 Soles the day before.

13 And she said, Well, we're suspending you
14 until further investigation.

15 Tom Soles walked me back to my department,
16 told me I could get whatever I need to take
17 with me. I had the keys and stuff in my
18 pocket.

19 Greg Marks was on the floor with me at
20 that time because Ken Smith was at fire school
21 for that week. I had to page Greg Marks. I
22 paged him to come to the office. I give him
23 the keys. I took my planner with me, and that
24 was it. Tom Soles walked me out.

25 Ken Smith called my home and told me that

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1 --

2 Q. When did Ken Smith call your home?

3 A. It was in the evening. I don't know exactly
4 what day. Yes, I do know what day it was. It
5 was -- Did he call home, or did he call in at
6 work? I can't remember. But he called and
7 told me that Tom Soles called him in and have
8 Greg change his timecard.

9 I said, Have Greg change your timecard?

10 He said, Yeah. He said, I put myself down
11 for eight hours.

12 Q. Ken Smith told you that?

13 A. Yeah. I said, You put yourself down for eight
14 hours?

15 He said, Yeah. He said, I told Tom that I
16 was going back in on Friday but then I didn't
17 feel up to it so I didn't come in. He said, So
18 he knows that I have eight hours down there and
19 I wasn't there.

20 He said, So have him change my timecard
21 and take four hours off next pay.

22 See, I was on the floor, and my working
23 foremen always checked because we had the new
24 system of the swipe cards for time cards. But
25 when we had meetings like that, we did it

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1 ourselves on the computer. So Ken always did
2 all the timecard things and would go over and
3 make sure everybody punched in and it was set
4 up like it was supposed to be set up.

5 I told Greg. Greg didn't want to do it.
6 No. Wait. Just let me think about this a
7 minute. I'm trying to get straight.

8 Tuesday we had a meeting. Wednesday I
9 worked. He must have called into work
10 Wednesday night because I answered the phone on
11 the fax phone.

12 Greg didn't want to do it, but Greg did
13 it. I wasn't there Thursday. I wasn't there
14 no more then because that's when they sent me
15 home, Thursday.

16 Q. So have you figured out when Ken Smith called
17 you?

18 A. I'm sure it was Wednesday night on the fax
19 phone in the office, because I wasn't at home.
20 It couldn't have been at home because I was on
21 second shift. Monday and Tuesday I was in
22 class. Wednesday I went in. He let me work.
23 So it had to be Wednesday night he called in
24 there.

25 Q. He called you Wednesday night at work?

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1 A. He called me Wednesday night on the fax phone
2 at work. I told Greg, and Greg hesitated doing
3 it, and then Greg went in and did it.

4 Thursday as soon as I got in I got called
5 right down to Cindy Lighty's office and they
6 told me I was suspended.

7 Q. So Ken called you after your meeting with Tom
8 Soles but before your meeting with Tom Soles
9 and Cindy Lighty?

10 A. Right. No, no. After my meeting with --
11 Yeah, you're right there. After my meeting
12 with Tom Soles, I went back and spent the day
13 at work. It was in between, right that night.
14 So it had to be that Wednesday.

15 Then Thursday is when I went down to Cindy
16 Lighty's office, and she suspended me.

17 Then when I got my phone call I had to go
18 back in. I had to go in at 2:30 on the 21st,
19 2:30 in the afternoon. All that was there was
20 Joe Vrabel and Gordon Sweinhart. My manager
21 wasn't there. Pat Kilgore wasn't there. Larry
22 Weinsheimer wasn't there. No one else.

23 Q. Cindy Lighty was there too; right?

24 A. Just Cindy Lighty, Gordon Sweinhart, and Joe
25 Vrabel from security.

Exam./Maguschak - Weaber

1 Q. Before you go forward with that, I want to go
2 back to the meeting that you had with Tom
3 Soles, the first meeting that was just Tom
4 Soles without Cindy Lighty. How long did that
5 meeting last?

6 A. Just a couple minutes.

7 Q. And it was just the two of you; is that right?

8 A. Yes.

9 Q. Where was that meeting held?

10 A. In his office.

11 Q. When you left that meeting, did Tom Soles tell
12 you that he was going to continue
13 investigating?

14 A. Just that it would be under investigation.
15 Yes, he did.

16 Q. Did he tell you not to discuss it with anyone?

17 A. Yes, he did.

18 Q. Then it was that night that Ken Smith called
19 you?

20 A. Yes. And I didn't tell Ken Smith that I had a
21 meeting with Tom Soles. I didn't talk to Ken
22 Smith about nothing. The only person I talked
23 to was my husband when I got suspended.

24 Q. And you didn't tell Ken Smith that there was an
25 issue regarding when the meeting on May 6th

Exam./Maguschak - Weaver

1 broke up?

2 A. No. No. All he told me, that Tom Soles called
3 him in from a fire school, like I said, and
4 talked to him and Tom Soles knows that he
5 wasn't there Friday. He was worried because he
6 put in the eight hours that he should have got
7 paid, instead of four. Ken Smith is still in
8 charge of Kisses as a working foreman.

9 Q. He's an hourly employee; right?

10 A. Right. Nothing was done about it.

11 The other thing I can say is Mike Tomei
12 got paid for eight hours. Nothing was done
13 about his other hours either.

14 Q. When you say Ken Smith wanted to change his
15 time from eight to four hours, for what day was
16 that?

17 A. That was for on May the 6th, that Wednesday
18 night that we had the meeting. He put in that
19 he was going to be there for eight hours, and
20 he wasn't. He wasn't there for eight hours.

21 I was really under the impression it was a
22 quarter to three, that he was there for four
23 hours. But they're saying we weren't even
24 there till then. But in my heart -- And I
25 would swear on my children's life I didn't even

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1 look at a clock. But I did tell Tom I would
2 write them up. He could take it out of my pay.

3 But if they had done that to me and made a
4 total ass out of me, in plain words, I was very
5 upset that they would even do that because I
6 was good to my team. I would buy them meals
7 and everything else, and I'd never get
8 reimbursed for it either.

9 Q. Then the day after your meeting with Tom Soles
10 was the day you had a meeting with Cindy Lighty
11 --

12 A. Yes.

13 Q. -- and Tom Soles?

14 A. Not -- Yes, yes.

15 Q. Is that right?

16 A. Yes.

17 Q. It was just the three of you in that meeting?

18 A. Yes.

19 Q. How long did that meeting take place? How long
20 did that meeting last?

21 A. Maybe ten minutes. Ten, 15 minutes. I don't
22 know. Not long.

23 Q. That was in Cindy Lighty's office?

24 A. Yes.

25 Q. She told you you were suspended?

Exam./Maguschak - Weaber

1 A. Yes.

2 Q. Did she tell you why?

3 A. Honesty. That was it.

4 Q. Is that all she said?

5 A. That was it.

6 Q. She didn't give any explanation as to what she
7 meant by honesty?

8 A. No. To this day, I still don't know why I was
9 terminated.

10 Q. If I'm correct, I think you said when you came
11 in she said something like, We had another
12 meeting about honesty before this.

13 A. Right.

14 Q. What was she referring to?

15 A. She was referring to me when I was telling her
16 about Darryl Bentz.

17 Q. So she wasn't talking about another meeting
18 about your honesty?

19 A. No. No.

20 Q. Did Tom say anything during this meeting?

21 A. No.

22 Q. Did you ask her what she meant by honesty?

23 A. She asked me questions about the meeting. I
24 told her everything I told Tom.

25 Q. Did you tell her about your conversation with

Exam./Maguschak - Weaber

1 Ken Smith the night before?

2 A. I told her that Ken -- I don't know if I told
3 her that or not, to be truthful with you. I
4 don't know. No. I told her about that when
5 she terminated me. That's when I told her
6 that.

7 Q. Tell me everything you can recall about the
8 meeting with Cindy Lighty and Tom Soles when
9 you were suspended.

10 A. Just that when I walked in I sat down. Her
11 desk was about where you're at. I sat down
12 over here. Tom Soles sat down where she's
13 sitting.

14 She said, Linda, do you know what this
15 meeting is about? It's about like what we had
16 before, honesty.

17 I said, Okay.

18 And she asked me questions about the
19 meeting, what time we left and stuff. I told
20 her everything.

21 Q. Tell me --

22 A. Okay. I'll tell you again.

23 Q. Tell me again.

24 A. I told her we're sitting in the room. All the
25 work we did, I told her about that. I told her

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1 about the break we took, the work we did. We
2 came back, that I faxed that stuff to Ann
3 Menischeschi.

4 I told her that either Tom looked down at
5 a watch or at his pager. I don't know what,
6 but he looked down.

7 And he said, It's a quarter of. It's time
8 to get out of here.

9 And Ken Smith said, Let's get out of here.
10 Let's go.

11 I thanked them for the meeting, and we
12 knew what date. We went over the schedule
13 about the date of the next meeting, and they
14 left. There was no -- I told her there was no
15 clock in the room. I don't know no more than
16 that.

17 Q. And did she ask you any other questions?

18 A. Not that I recall of. She might have asked me
19 if I had anything else to say. I don't know if
20 she said that to me or not.

21 Q. Did she tell you that the investigation was
22 continuing, or how did she leave the meeting?

23 A. She said, You're suspended till you hear from
24 us, and Tom will walk you back and get what you
25 need.

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1 He escorted me out, and that was it.

2 Q. Between that meeting with Cindy Lighty --

3 A. And that I couldn't talk to nobody. She did
4 tell me that I couldn't talk to anybody about
5 what was said here in the office.

6 When I went home that night, my husband
7 asked me why I came home. I did tell my
8 husband. I did not talk to my daughters. I
9 did not talk to my mother, and my mother lives
10 catty-corner across from me. I didn't talk to
11 them. I said I'm just off on vacation. I
12 didn't tell them nothing else. That was it. I
13 didn't make no phone calls. I didn't talk to
14 anybody on the phone.

15 Q. Is that true through May 21st, 1999?

16 A. That's true.

17 Q. You didn't talk to anybody?

18 A. Yes. My husband answered the telephone when
19 the kids called. I did not talk to any of my
20 daughters. All three of my daughters I did not
21 talk to. I didn't want to answer no questions.

22 Q. How was the meeting on May 21st set up? Who
23 contacted you?

24 A. She works in -- Sue -- I don't know what
25 Sue's last name is. She worked in personnel.

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1 She left a message on the answering machine to
2 call up there.

3 I called, and they said for me to come in
4 at 2:30, Cindy Lighty would like to see me at
5 2:30. So I got there, went in, sat in Cindy's
6 room. I waited for a little bit for her.

7 She came in. And she said, Boy, you're
8 right on time all the time, huh?

9 I said, Yep.

10 Then Joe Vrabel was there and Gordon
11 Sweinhart.

12 Q. Was this in Cindy's office?

13 A. Yes. Joe Vrabel sat beside me, and Gordon
14 Sweinhart sat over on that side.

15 Q. Did you know who those people were before you
16 --

17 A. I didn't know Gordon Sweinhart. I knew Joe
18 Vrabel because I had -- which I didn't tell you
19 before. But I had went in to the security
20 office and reported Roy Keeton, what he did to
21 me out in the parking lot, slamming on his
22 brakes thinking I'd hit him in the ass one
23 night. I did report that to Joe Vrabel too.

24 Q. When was that?

25 A. That was when all this threatening was going

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1 on.

2 Q. When Darryl Bentz was your supervisor?

3 A. Yes. So I knew Joe Vrabel, but I didn't know
4 -- Cindy introduced him. She said they did
5 their investigation, and she said that I have
6 not been honest, I wasn't honest. And she
7 said, We're terminating you.

8 I said, What wasn't I honest about?

9 She said, Well, that's not the concern to
10 you.

11 I said, Well, you get your people down
12 here in front of me and tell me.

13 She said, No. She said, That doesn't
14 concern you.

15 She wished me good luck, and she laughed.

16 Joe Vrabel asked me, he said, Linda, is
17 there anything I can do for you?

18 I said, No, there's nothing you can do for
19 me, Joe.

20 I don't know what they expected. I just
21 smiled, and I walked out. I walked out the
22 door and never looked back. I didn't go back
23 in and get my stuff, my pictures of my
24 grandkids and stuff that was sitting on my
25 desk. I let my daughters get them. I didn't

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1 go back in there.

2 Q. Do you recall anything else that happened
3 during that meeting?

4 A. She didn't tell me why I was terminated.

5 Q. Other than to say you weren't honest?

6 A. I wasn't honest. And I was honest. I told her
7 everything I could tell her. I don't know what
8 more I could have done.

9 Q. Either in that meeting or the previous meeting
10 with Cindy, did anybody ask you whether you had
11 contacted anybody on the team after your
12 meeting with Tom Soles?

13 A. Yes. Cindy told me that I contacted somebody.
14 And I said, No, I didn't, Cindy. I said,
15 You bring them down here. I said, I'll tell
16 them to their face.

17 She said she won't do that.

18 Q. Did she say who you had contacted?

19 A. No. No, she didn't. I did tell her that Ken
20 Smith called in about the -- At that time I
21 told her that Ken Smith called in about that,
22 that four hours, having Greg change that. I
23 did tell her that.

24 Q. Did you ever call Ken Smith at his home?

25 A. I never called Ken Smith at his home, not

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1 unless -- Before all this happened, I might
2 have, but not after she suspended me or
3 anything. The only time I talked to Ken Smith
4 was when he called in there.

5 Q. Did you ever call Ken Smith at his home in May
6 of 1999?

7 A. Not that I know of. Not that I remember of,
8 no.

9 Q. Did you ever have any problems with Ken Smith?

10 A. No. That's what's so shocking. No.

11 Q. Did you ever have any question in your mind
12 about Ken Smith's honesty?

13 A. No, I didn't.

14 Q. After your meeting with Tom Soles on May 12th
15 where he told you he was investigating, did you
16 contact Ken Smith and ask him to say that the
17 team had stayed the whole time on May 6th?

18 A. No, I did not. I know Ken Smith wanted a white
19 hat, but I didn't think that bad.

20 Q. I'm sorry. What do you mean by that?

21 A. He wanted to be a supervisor. He even asked
22 them about being a supervisor, but I didn't
23 think -- I didn't think he'd try to cut my
24 throat for no reason.

25 Q. Is Ken Smith still there? Do you know?

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1 A. Yes. He's the working foreman of Kiss
2 department yet, even though he tried to cheat
3 the company, yes. They didn't do nothing about
4 it.

5 Q. When you say he tried to cheat the company,
6 what do you mean?

7 A. Well, he put four hours in there that he wasn't
8 -- How many other times has he done it? He
9 could have done it to me that I didn't even
10 know about it.

11 Q. So as far as you know, he's in the same
12 position he was in when you were terminated?

13 A. Yes, he is. Yes, he is.

14 Q. Do you know whether he's been promoted since
15 you left?

16 A. No. He's still working relief supervisor. But
17 Greg Marks, as soon as Karen became second
18 shift, he went first shift. He wouldn't work
19 with Karen Keeton.

20 Q. Who wouldn't work with Karen Keeton?

21 A. Greg Marks. He went back to regular worker on
22 first shift.

23 Q. Greg Marks did?

24 A. Yes. Ken Smith's wife was a supervisor there
25 too, and she was down at the old craft building

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1 down there on Broad Street in Palmyra, and
2 somehow she lost her job. I don't know what
3 happened there either since I'm gone.

4 Q. Have you ever filed a charge of discrimination
5 or any other kind of charge against any other
6 employer other than Hershey?

7 A. No, and I didn't enjoy this either.

8 Q. Have you talked to any past or current Hershey
9 Foods employees about your lawsuit?

10 A. Since I'm out of there?

11 Q. Yes.

12 A. Yes.

13 Q. Who did you talk to?

14 A. Well, my family knows it. My mother knows it.
15 My one cousin.

16 Q. Am I correct that Cindy Lighty told you that
17 she had received a report that you had
18 contacted a member of the support team after
19 your meeting with Tom Soles?

20 A. Yeah, she told me I did. I told her I didn't,
21 and I didn't. I didn't talk to nobody. The
22 only one I talked to was my husband.

23 Q. Do you have any knowledge or facts to dispute
24 Cindy Lighty's statement to you that she
25 received such a report from somebody on your

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1 team?

2 A. I don't know if she did or not. I can't say
3 that. I don't know. It's her word against my
4 word. I don't know.

5 Q. I asked you since your termination whether you
6 had spoken with any past or current Hershey
7 Foods employees.

8 A. You didn't ask me for Hershey Foods employees.

9 Q. Didn't I?

10 A. No.

11 Q. I'm sorry. Let me ask you that then. Since
12 your termination, other than your daughters,
13 have you spoken to any past or current Hershey
14 Foods employees about your termination or about
15 your lawsuit?

16 A. Dale Godwin seen me at Redner's grocery store.
17 He said about the raw deal I got, that I was
18 shafted, that he was called down to personnel
19 to talk about me but anything that he wanted to
20 say about me they didn't want to listen to.

21 Q. Did he say when he was called down to
22 personnel?

23 A. No.

24 Q. Did he give you any more details about what --

25 A. That was it.

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1 Q. Did he say what they wanted, what kind of
2 questions they asked him about you?

3 A. He said they wanted all negative things about
4 me. He said he tried to tell them all the good
5 things, and he said they told him they don't
6 want to hear that kind of stuff. I don't even
7 know who he was talking to. I didn't ask him.

8 Q. When did you have this conversation with Dale
9 Godwin?

10 A. Oh, my God.

11 Q. Approximately.

12 A. Last year I guess it was sometime. I just ran
13 into him in the grocery store. That's the
14 first I seen him.

15 Q. When was the last time you spoke to Ken Smith?

16 A. The night he called me.

17 Q. Other than Dale Godwin, when was the last time
18 you spoke to any other members of the support
19 team?

20 A. Well, I talk to Raymond Wolfe all the time, but
21 nothing about Hershey Foods. He has cancer,
22 and he'll call and stuff. No.

23 Q. Have you ever talked to Mr. Wolfe about -- Was
24 he at the meeting on May 6th?

25 A. Yes, he was.

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1 Q. Have you ever talked to him about the issue of
2 whether the meeting broke up early or anything
3 like that?

4 A. He said it was 3 o'clock. I did ask him that.

5 Q. So he said it went the full time?

6 A. Yep. He said it was 3 o'clock. He said --
7 Quarter of three, he said.

8 I asked him. I said, Raymond, what time
9 was it?

10 He said, A quarter of three.

11 And he told me that he was called over to
12 the office. He told me he was called over to
13 the office, and he told them -- He said, I
14 told them it was a quarter of three.

15 But the rest of the team -- Like Bob
16 Haas, he retired.

17 Q. Have you spoken to him since your termination?

18 A. No, I wouldn't. Henry Graby, I guess he's
19 still there. I haven't seen none of them. The
20 only one I ever ran into was Dale Godwin, and
21 that was at Redner's grocery store.

22 Q. The only person you talked to from the team is
23 Mr. Wolfe?

24 A. Yep.

25 Q. When was the last time you spoke with Darryl

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1 Bentz?

2 A. Before I got terminated. I ran into him when I
3 was going back to the tour room for a meeting,
4 and he said hello, and I said hello to him.

5 Q. When was the last time you spoke with Larry
6 Weinsheimer? Is it Larry?

7 A. Larry Weinsheimer? When we went to the human
8 relation meeting. I seen him this past
9 Christmas, but he didn't speak to me, and I
10 didn't speak to him. I seen him when we went
11 to cut the tree down at the tree farm.

12 Q. So you saw him at the fact-finding before the
13 Human Relations Commission? Is that when you
14 saw him?

15 A. Yeah, at the meeting that we had there.

16 Q. At the Human Relations Commission?

17 A. Yeah.

18 Q. Who else was there?

19 A. Tom Soles and a young girl. I don't know what
20 her name was. She was supposed to be a lawyer
21 from corporate is all I know. I don't know
22 what her name was. Dark-haired girl.

23 Q. Tall?

24 A. Pretty tall, thin.

25 Q. When was the last time you spoke with

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1 Mr. Kettering?

2 A. Before I was terminated. Let me think. Or did
3 I see him in -- I seen him, I think, at the
4 grocery store. I said hello, and that was in
5 passing. I walked past. He said, Hello,
6 Linda. And I said hello to him. That's been
7 quite a few months ago.

8 Q. When was the last time you spoke to Greg Marks?

9 A. Greg Marks? The night I handed him my keys. I
10 didn't even go to his daughter's viewing. His
11 daughter walked on a ledge in Philadelphia
12 thinking she locked her keys out of her house,
13 and she had a roof that she took friends out
14 on. The door got locked. She thought she
15 could walk on the ledge to get to the window,
16 and she fell off, and she was killed. I didn't
17 even go to the viewing, because I don't want to
18 talk to the people about Hershey.

19 Q. When was the last time you spoke to Richard
20 Chase?

21 A. I couldn't tell you. That was when I worked
22 there. Yeah, I haven't seen Richard Chase
23 since.

24 Q. When was the last time you spoke to Carolyn
25 Haskell?

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1 A. When she called me up on the telephone and told
2 me she sat my meeting up with this woman over
3 in community -- the exercise place, over the
4 telephone before I was terminated.

5 Q. We talked about some documents regarding your
6 employment search that you said you were going
7 to look for and give to your attorney if you
8 have any. Do you have any other documents at
9 your home that you think might be relevant to
10 your lawsuit?

11 A. I have all my medical papers that I was sick.
12 I have all the papers from the first of '99
13 when this happened in February to me. I have
14 all the tests and all that stuff they took.

15 Q. Do you mean the medical stuff?

16 A. Yeah. I have all that stuff.

17 Q. Do you keep a diary?

18 A. No.

19 Q. Do you have --

20 A. I don't have time for that.

21 Q. Do you have any handwritten notes or anything
22 from any of your conversations, for example,
23 with Carolyn Haskell?

24 A. No.

25 MS. MAGUSCHAK: Do you want to take about

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1 a five-minute break? I think I'm almost done.

2 (Recess taken.)

3 BY MS. MAGUSCHAK:

4 Q. Did you file federal tax returns in 1998?

5 A. Yes, I did.

6 Q. In 1999?

7 A. Yes, I did.

8 Q. And in 2000?

9 A. Yes, I did.

10 MS. MAGUSCHAK: That's all the questions I
11 have for now. We're going to reserve the right
12 to re-call after we get the additional
13 discovery responses and additional information.

14 MR. OSTROWSKI: Sure. Okay.

15 MS. MAGUSCHAK: We'll let you know if we
16 need to get together again.

17 MR. OSTROWSKI: Okay. I don't have any
18 questions.

19 (Whereupon, the deposition concluded at
20 4:10 p.m.)

21

22

23

24

25

1 COMMONWEALTH OF PENNSYLVANIA)
 2) SS.
 3 COUNTY OF DAUPHIN)

4 I, Glenda S. Travitz, Registered
 5 Professional Reporter and Notary Public in and
 6 for the Commonwealth of Pennsylvania and County
 7 of Dauphin, do hereby certify that the
 8 foregoing testimony was taken before me at the
 9 time and place hereinbefore set forth and that
 10 it is the testimony of:

11 LINDA F. WEABER

12 I further certify that said
 13 witness was by me duly sworn to testify the
 14 whole and complete truth in said cause; that
 15 the testimony then given was reported by me
 16 stenographically and subsequently transcribed
 17 under my direction and supervision and that the
 18 foregoing is a full, true and correct
 19 transcript of my original shorthand notes.

20 I further certify that I am not counsel
 21 for nor related to any of the parties to
 22 the foregoing cause, nor employed by them or
 23 their attorneys and am not interested in the
 24 subject matter or outcome thereof.


25 Dated at Harrisburg, Pennsylvania, this
 12th day of March 2002.

Notarial Seal
 Glenda S. Travitz, Notary Public
 Lower Paxton Twp., Dauphin County
 My Commission Expires Sept. 24, 2002

Glenda S. Travitz
 Registered Professional Reporter
 Notary Public

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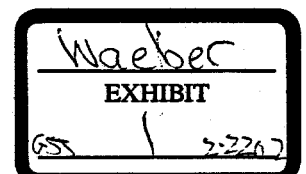
Hershey Chocolate U.S.A. A Division of
Hershey Foods**INTEROFFICE
CORRESPONDENCE** Quality
Through
Excellence

TO: Linda Weaber
FROM: Darryl Bentz
DATE: March 3, 1998
SUBJECT: *Personnel Action Memo*

In 1997 we discussed, at length, the proper procedures when requesting days off or approval for vacation days/weeks. At that time, it was clearly stated that permission would be granted only when given by the Manager and/or the Manager's Secretary and must be obtained, at least, in advance of the event.

On 2/26 and 2/27 you requested vacation through Relief Supervisor, Ken Smith, which is not in compliance with the instructions given in 1997. Normally, there is little difficulty in meeting the needs of Kiss Supervisors due to the well trained Reliefs that are available to fill in as necessary. However, due to the many production schedule changes and performance factors that can negatively affect the business, it is deemed most important that appropriate communication exchanges are made and when you are not here, things may be missed.

Therefore, in the future, you are required to adhere to the proper procedures for reporting off and failure to comply will result in further disciplinary steps which may include time off and loss of pay.


DARRYL BENTZ

CONFIDENTIAL SEPARATION AGREEMENT

This Agreement, entered into this _____ day of _____, 1999, by and between Hershey Foods Corporation (the "Company") and LINDA F. WEABER ("Employee") regarding her separation of employment from the Company.

WHEREAS, Employee's employment has been involuntarily terminated;

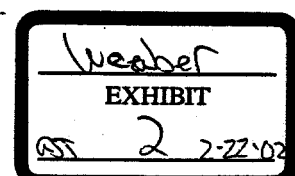
WHEREAS, Employee wishes to receive benefits under the Company's Severance Benefits Plan, receipt of which is conditioned upon the execution of a waiver and release acceptable to the Company;

NOW, THEREFORE, in consideration of the mutual agreements and covenants hereinafter set forth and the payment of severance benefits to be made hereunder, the parties agree as follows:

1. Employee's separation of employment from the Company shall occur and be effective on May 21, 1999. Until such time Employee shall perform such job duties as directed by her immediate supervisor, answer any questions regarding matters assigned to her prior to separation, and otherwise assist the Company in transferring her responsibilities to others within the Company.

2. Employee shall receive severance benefits in accordance with the Company's Severance Benefits Plan. These severance benefits shall be limited to those set forth in the attached document entitled "Severance Benefits". Employee hereby agrees that these severance benefits are all the benefits that she is entitled to receive under the Company's Severance Benefits Plan. In addition, Employee shall receive such additional benefits as set forth in the attached document entitled "Other Benefits". Employee hereby agrees that these monies or benefits are all the monies or benefits Employee is entitled to receive under any other benefit plan or by law.

3. Employee hereby forever releases and waives for herself, her attorneys, heirs, executors, administrators, successors and assigns fully and forever any claim of any kind which she has or might have in the future, whether currently known or unknown, against the Company, its subsidiaries, affiliates or divisions and any directors, officers, agents, employees, successors and assigns thereof, arising from events from the beginning of time up to the execution of this Agreement and arising out of her employment and the separation of such employment (except worker's or unemployment compensation or any claim under this Agreement). Employee understands that acceptance of the terms of this Agreement constitutes a full settlement of all compensation due her for any reason and is a waiver and covenant not to sue for any employment-related claim under local, state or federal law, including but not limited to the Fair Labor Standards Act, the Equal Pay Act, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans With Disabilities Act, the Family and Medical Leave Act, and the Pennsylvania Human Relations Act and any tort or contract law claims based on her employment or separation from employment, including but not limited to wrongful discharge, breach of contract, or



defamation. Employee warrants and represents, with the understanding that such warranty and representation is material to this transaction, that no person or entity has asserted with any federal, state or local judicial or administrative agency any claim of any kind or character based on or arising out of or alleged to be suffered in or as a consequence of Employee's employment with the Company or her separation of employment and that she has no current intention to assert or cause to be asserted such a claim. In the event that any claim covered by this Agreement, waiver or release is asserted in the future by Employee, or any person or entity authorized by Employee to do so, Employee agrees that this Agreement shall act as a total and complete bar to her re-employment as a remedy in any legal action or to the recovery of any sum or amount whatsoever from the Company, whether designated as award, liability, damages, judgment, backpay, wages, or fine or otherwise resulting directly or indirectly from any lawsuit, remedy, charge or complaint whether brought privately by her or by anyone else, including any federal, state or local agency, whether or not on her behalf or at her request. Employee states and agrees that the Company has taken no action interfering with any right which she may have to file any charge, claim or other process with any federal, state or local judicial or administrative agency regarding her employment or the termination thereof or any right to contact or seek the guidance or intervention of any such agency.

Employee agrees that she will execute this Agreement no sooner than the last day of Employee's employment with the Company and no later than twenty-one (21) days after the termination of Employee's employment. Employee agrees in the event she fails to execute this Agreement within twenty-one (21) days after separation from employment, or if she executes the Agreement within that time period but revokes the Agreement in accordance with Paragraph 10 hereof, this Agreement and the offer to pay severance benefits contained herein shall be withdrawn by the Company. Employee agrees that in the event this Agreement is not executed or if executed, is revoked in accordance with Paragraph 10 hereof, Employee shall not be entitled to receive any severance benefits under the Company's Severance Plan. Employee agrees that severance benefits shall not be paid hereunder until ten (10) business days after the Company receives a fully-executed Agreement, which is not revoked by Employee. No revocation of this Agreement shall be effective unless made as specified in Paragraph 10 hereof.

4. This Agreement is not an admission of liability with respect to any matter set forth herein and shall not be deemed or construed as such. Employee agrees not to use this Agreement in any fashion as such an admission and further agrees not to use this Agreement as evidence of any employment related claims which are referenced in the preceding paragraph. Employee agrees and admits that no representation of fact or opinion has been made by either party, or any representative thereof, to induce the execution of this Agreement. In the event Employee breaches this Agreement, Employee shall pay Company the full value of any severance benefits provided by Company hereunder within twenty (20) days after the breach, and immediately upon Employee's breach Company shall no longer be obligated to honor the remaining terms of this Agreement. Further, the Company shall be entitled to recover the full value of any severance benefits provided hereunder. To the extent Employee refuses to tender back such benefits to the Company within twenty (20) days of the breach, Employee will be deemed to have ratified this Agreement and will be foreclosed from pursuing any action against the Company relative to matters covered by this Agreement.

Alternatively, at the Company's sole election which Employee agrees the Company can make at any time, Company shall be entitled to recover the full value of any severance benefits provided hereunder via set-off against any recovery Employee may obtain, as well as attorney's fees, costs of suit and any other remedy provided by law. This Agreement shall be governed by and interpreted in accordance with the laws of the Commonwealth of Pennsylvania without regard to conflicts of law principles, the state and/or federal courts of Pennsylvania shall have sole jurisdiction over any dispute arising hereunder. Employee hereby waives her right to trial by jury. This Agreement shall constitute the entire and exclusive agreement between the parties with respect to the separation of Employee's employment from the Company and of any rights or duties owed as a consequence thereof.

5. All payments or benefits to be paid to Employee under this Agreement or otherwise are subject to withholding from such payments or benefits in accordance with applicable plan provisions, laws and regulations. Employee agrees to return to the Company any Company property (ID card, keys, credit cards, computer disks, back-up disks, documents containing confidential information, etc.) which Employee may have in her possession on or prior to her separation date. If Employee does not return items of Company property in her possession by such date or attempts to reconstruct any Company confidential information, the Company, in addition to any other rights it may have under this Agreement or otherwise, may withhold any payments to be made to Employee to the extent of the value of such Company property, which value shall be determined in the sole judgment of the Company. This withholding shall not effect the validity of the other provisions of this Agreement. Employee agrees to provide prompt notice to the Company of any medical benefits offered or received from any other employer in accordance with the Severance Benefits Plan.

6. Employee recognizes that her dealings in the matters in which she has been involved and with the personnel of the Company are confidential to the Company. "Confidential Information" means information (1) disclosed to or known by Employee as a consequence of or through her employment with the Company, (2) not generally known outside the Company, and (3) which relates to the Company's business. Employee agrees not to disclose any Confidential Information or other proprietary information of the Company or any information regarding the personnel of the Company, including information received in confidence by the Company from others, either during or after her employment with the Company, except upon written consent of the Company. It is understood that such Confidential Information and other proprietary information of the Company include matters that Employee has learned from other employees of the Company. Employee will not, except as the Company may otherwise consent or direct in writing, reveal or disclose, sell, use, lecture upon, or publish any Confidential Information or other proprietary information of the Company, or authorize anyone else to do these things at any time either during or subsequent to her employment with the Company. This clause shall continue in full force and effect with respect to any specific Confidential Information and other proprietary information and shall cease only with respect to and when that specific portion of the Confidential Information and other proprietary information becomes publicly known through no fault of Employee's. The terms of this Agreement shall be in addition to the terms of any Confidentiality Agreement previously executed by the Employee.

Employee agrees that all ideas, inventions, trade secrets, know how, documents and data ("Creative Property") developed either during, in connection with, or pursuant to her employment with the Company, or in connection with, or pursuant to the terms and conditions of this Agreement shall remain and become the exclusive property of the Company. Employee agrees to provide all reasonable assistance to the Company in perfecting and maintaining its rights to the Creative Property. The Company shall have the right to use the Creative Property for any purpose without any additional compensation to Employee. To the extent not inconsistent with this Agreement, nothing herein shall in any way prevent Employee from utilizing her general business, management, financial, professional, and/or scientific skills, techniques and abilities.

Employee agrees that she shall not make any public statement(s) to the media concerning the Company, its business objectives, its management practices or its management personnel, and shall take no action which would cause the Company or its employees any embarrassment, humiliation, or otherwise cause or contribute to the Company or any employee being held in disrepute by the general public or the Company's employees, suppliers or customers, including, but not limited to, making disparaging comments about the Company in public or private.

7. Employee agrees that during the life of this Agreement and for a period of twelve (12) months thereafter, she shall not participate in recruiting any Company employees or in the solicitation of Company employees; and she shall not communicate to any other person or entity, about the nature, quality of work, or any special knowledge or personal characteristics of any person employed by the Company without the consent of the Vice President - H. R. Operations. Employee also agrees that during the period covered by severance benefits, she shall not accept employment with or perform services on behalf of the following competitors of the Company: Nestle USA, Inc.; and Mars, Inc.; or any parent, subsidiary or affiliated company thereof. Employee acknowledges that the remedies at law for any breach by Employee of the provisions of this Agreement would be inadequate and that the Company shall be entitled to injunctive relief against Employee in the event of any such breach, in addition to any other remedy and damages available. Employee acknowledges that the restrictions contained herein are reasonable, but agrees that if any court of competent jurisdiction shall hold such restrictions unreasonable as to time, geographic area, activities, or otherwise, such restrictions shall be deemed to be reduced to the extent necessary in the opinion of such court to make them reasonable.

8. As a specific condition to the performance of this Agreement by the Company, Employee agrees that she will not disclose, for any purpose, at any time, except as required by an order of a court of competent jurisdiction, the terms of this Agreement to any person except her spouse and personal/legal/tax/financial advisors. Any violation of the provisions of this Agreement will terminate any obligation on the part of the Company to make any payments.

9. If any terms or provisions of this Agreement shall, to any extent and under any circumstance, be illegal, invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and shall be valid and enforceable to the extent permitted by law.

10. EMPLOYEE STATES THAT SHE HAS READ CAREFULLY THIS AGREEMENT, KNOWS AND UNDERSTANDS THE CONTENTS THEREOF, AND THAT SHE EXECUTES SAME OF HER OWN FREE WILL. EMPLOYEE AGREES THAT SHE HAS BEEN ADVISED BY THE COMPANY TO CONSULT WITH AN ATTORNEY PRIOR TO EXECUTING THIS AGREEMENT AND THAT SHE UNDERSTANDS THE BINDING EFFECT OF SIGNING THIS AGREEMENT. EMPLOYEE ACKNOWLEDGES THAT SHE HAS BEEN GIVEN A PERIOD OF AT LEAST TWENTY-ONE (21) DAYS WITHIN WHICH TO CONSIDER THIS AGREEMENT PRIOR TO EXECUTION THEREOF AND THAT THIS AGREEMENT WAS PRESENTED TO EMPLOYEE ON May 21, 1999. FURTHERMORE, IT IS AGREED THAT EMPLOYEE SHALL HAVE THE RIGHT TO REVOKE THIS AGREEMENT BY WRITTEN NOTICE SENT TO THE COMPANY AT THE FOLLOWING ADDRESS:

GENERAL COUNSEL'S OFFICE
HERSHEY FOODS CORPORATION
100 CRYSTAL A DRIVE
HERSHEY, PA 17033

PROVIDED SUCH NOTICE IS SENT VIA PERSONAL DELIVERY, OVERNIGHT COURIER, OR MAIL, POSTAGE PAID AND PROVIDED SUCH NOTICE IS RECEIVED BY THE COMPANY WITHIN THE SEVEN (7) DAY PERIOD FOLLOWING THE EXECUTION OF THIS AGREEMENT. EMPLOYEE FURTHER ACKNOWLEDGES THAT THE AGREEMENT SHALL NOT BECOME EFFECTIVE OR ENFORCEABLE UNTIL SUCH SEVEN (7) DAY PERIOD HAS EXPIRED. IN THE EVENT THIS AGREEMENT IS REVOKED BY EMPLOYEE IN ACCORDANCE WITH THE PROVISIONS OF THIS PARAGRAPH, EMPLOYEE AGREES TO RETURN TO THE COMPANY ALL CONSIDERATIONS AND BENEFITS PROVIDED BY THE COMPANY TO WHICH EMPLOYEE WOULD NOT BE ENTITLED ABSENT THIS AGREEMENT.

EMPLOYEE

By:

Linda F. Weaber
LINDA F. WEBER

Dated:

May 25, 1999

HERSHEY FOODS CORPORATION

By:

[Signature]

Dated:

May 21, 1999

SEVERANCE BENEFITS

NAME: LINDA F. WEABER
SOCIAL SECURITY NUMBER: 180-38-2095
BIRTH DATE: 07/09/47
HIRE DATE: 08/12/68
SEVERANCE DATE: 05/18/99
BASE SALARY: \$57,600 - 28.59 M.

LUMP SUM SEVERANCE PAYMENTS:

Equal to 5 weeks of base salary. $5 \times (\$57,600 / 52) = \$5,538$
(less applicable taxes).

OTHER BENEFITS

MEDICAL, DENTAL AND VISION COVERAGE:

Coverage for medical, dental and vision will be made available under Cobra at the current Cobra premium rates for a period of 18 months from the date of termination.

PENSION PLAN:

Vested and eligible to receive the entire HRA account balance in accordance with the Plan provisions.

SAVINGS PLAN:

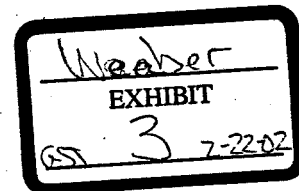
Vested and eligible to receive the entire ESSIOP account balance in accordance with the Plan provisions.

VACATION:

Eligible to be paid for all unused vacation.

May 18, 1999

cc: Employee Benefits Service Center
Employee Relations
HRA Shared Services
Legal Department



FEB-21-2002 THU 03:58 PM

FAX NO. 7175347549

P. 02



KENNETH L. WOLFE
Chairman and
Chief Executive Officer

Hershey Foods Corporation
Corporate Headquarters
100 Crystal A Drive
P.O. Box 810
Hershey, PA 17033-0810
Phone: (717) 534-4233
Fax: (717) 534-4055

May 26, 1999

Dear Fellow Employee:

On May 6 at our first quarter Business Report Meeting I spoke about the state of our business.

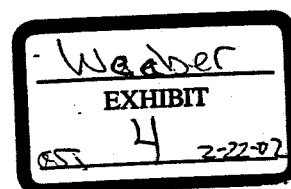
I am writing now to insure all Hershey employees understand the seriousness of our situation and to inform you of specific actions we are taking to improve our performance.

As I mentioned at the Business Report Meeting, we have not met the expectations of our shareholders and the investment community for four quarters in a row, beginning with the second quarter of 1998. As a result our stock price and the corresponding value of our company have suffered. Our stock price has fallen from a high of approximately \$76 a share in April 1998 to today's price in the mid-50s. We must get the performance of our company back on track.

The primary cause of our poor performance has been a slowdown in our sales that has resulted in first quarter 1999 sales being not only below plan but below last year. Secondly, our costs of doing business are too high given the lower sales volumes so our profitability has suffered from both lower sales and proportionately higher costs.

We are doing everything possible to restore our sales to plan levels and reduce operating costs. In the interim, however, we are taking the following actions designed to reduce administrative costs:

- All 1999 salary increases for senior management will be rescinded as of June 1, 1999.
- Spending controls for all administrative cost centers will be implemented immediately with the requirement of holding 1999 costs at or below 1998 cost levels. Measurement of progress will be by senior vice president area to allow some flexibility in cost control procedures.
- Similar cost controls will be established for manufacturing common costs.
- As part of this overall cost reduction effort an external hiring freeze has been instituted for all current and future openings. Current employment offers outstanding will be honored, but all unfilled and future openings must get approval of the Management Committee and will only be considered if costs are at or below 1998 levels.



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FAX NO. 7175347549

P. 03

We are hopeful that sales will recover and that we get back on track to meet our 1999 annual financial targets. As mentioned at our first quarter Business Report Meeting, we need the total commitment of all Hershey employees working together as a team to get back on track.

We are determined to achieve our 1999 financial targets. If our current efforts to spur sales and reduce costs do not result in that kind of performance, we will implement additional measures to properly align our costs with sales.

I will keep you informed concerning our progress and again ask you for your best efforts to implement the cost reduction initiatives noted above and get our company back on the appropriate performance track.

Thanks for your commitment and support during these difficult times.

Ka Wof

KLW:jf

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

Linda F. Weaber,

Complainant

v.

Hershey Chocolate USA,

Respondent

0094659

PHRC DOCKET No.

EEOC Charge No.

17FA01558

COMPLAINT

1. The Complainant herein is:

Linda F. Weaber
1716 S. Forge Rd.
Palmyra, PA 17078

2. The Respondent herein is:

Hershey Chocolate USA
19 E. Chocolate Ave.
Hershey, PA 17033

Hershey Foods
Cynthia Lighty, Counsel
100 Crystal A Drive
Hershey PA 17033

3. I allege the respondent violated § 5 of the Pennsylvania Human Relations Act, as follows:

EEOC0009

EXHIBIT

W. Weaber
5 2-22-02

June 24, 1999

To Whom It Concerns,

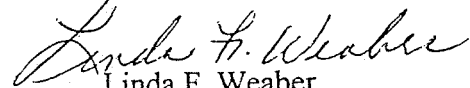
I would like to schedule a date and time to file a complaint on Hershey Chocolate On sexual discrimination and on age. I wored at Hershey Chocolate since August 12, 1968. May 12, 1999 I was called into my managers office and asked what time my K & M Operation team left on May 6, 1999. I told Tom Soles at 3:00am. He told me that they left at 1:20 am. I told Tom that I asked the team what time is it and one team member said quarter off, and another employee said it's time to get out of here. I told Tom Soles, that I thanked them for a good meeting and I went back to my office. I talked to another employee there that was helping with the new SAP system that was to be with our team that night , at that time I told him it's time to get out of here, he said he has to stay and help to finish the report and I said ok. I watched them for a while and left. I told Tom there is no clock in the room and if they left at that time I will give them a pam and dock them. At that time Tom told me that I give anther employee 8hrs. pay when he only worked till 1:20am. I told Tom that I told his supervisor Tom Zidik that Mike only worked 4hrs. when I came into work today. Tom Zidik and I were in class in another building on Monday & Tuesday and Tom didn't speak to me. Tom Soles said that pay period ended on Tuesday and that Mike will get 8hrs. pay since I told the relief supervisor at the first of the week. I told them , if this is so they may take it out of my pay if you want. I didn't look at a clock. I told Tom Soles that Tom Zidik (Mikes Boss) said he would call pay roll but he didn't. I was Told That I couldn't talk to anyone about the meeting. I told Tom Soles That Mike was told he was going to lose 4 hrs. pay . I when back to work and on May13, 1999 Tom Soles called my by phone and asked me to come over to his office. I told him I would be right over and when I went into his office I went to close the door and said you don't need to do that were going down to Cindy Lightys Office. All Tom said this is about the good run we had on Wednesday night and when I got into Cindy Lightys office she said you know were talking about honesty and being truthful . That we were here before and I said yes and at that time I told he what I told Tom Soles and she said that I was going to be suspended . Cindy Lighty told me I couldn't talk or get in touch with anyone about this and that I was not allowed on the plant property.

At that time Tom Soles walked me back to my office and told me to get what ever I need and to tell my relief was leaving . I done so and gave my keys to him and Tom and I left Tom asked me for my pass , and I gave it to him. And I left the plant. On May 21, 1999 I was called and asked to come in and meet with Cindy at 2:30pm. At that time she told me that I am terminated and handed me paper about severance benefits. Cindy told me that I was told not to talk to anyone about this and that I called people up and told the to lie for me. I told he that I didn't talk to anyone and who was this I was to talk to , she said it was none of my business. My manager (Tom Soles) or his manager (Larry W.) wasn't there, just security and benefit dept. They told me my insurance was drop as of the 21st. that day at 5:00pm. I said Thank you and walked out. This whole thing goes back to 1996 when Darryl Bentz became my manager and he didn't like me due he is my ex-husband friend and Tom Zidik was a very close friend of Darryl. I had a relief supervisor working (Karen Keaton) for me and she done everything she could to me. Karen would get he self

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EEOC0010

into different things and then she would cry about everything and run to Darryl Bentz. They became very close and three different time her husband (Roy Keaton) pushed me in the hall. I told Darryl and called me a liar, so I went to his boss Larry about it. I told him what a employee told me from moulding room that Karens husband (Roy) is going to hurt me because she is always crying. The employee agreed to talk to Larry with out Darryl Bentz there and Larry agreed, when the employee met with Larry he had Darryl right there. I was called into Larrys office was was called a liar wants again and was given the right act about talking to employees. It came to the point I had went from a size 12 to a 8 & 6. I lost work, My nerves were so bad. I wasn't only scared for myself but for Karens husband (Roy). I told them that because of my brother, He don't care about anything and he had been on had drugs and drink a lot and very protective over me. Darryl Bentz lost his manager job and his supertentent job and they gave him job writing a supervisor manual. It did come out in Cindy Lighty's office what all he was doing to me and saying about me. Darryl did make Karen a supervisor before he lost his manager job. The supervisors involved in this mess now are all of Darryl Bentz Friends because they know that I was part of the cause he is no longer on his 2nd. Shift supertentend job. I'am 51 years old almost 52 and have health problem and have been under medical care since I'am a diabetic. I forgot that Tuesday was pay period, so I was terminated and I just had MRI for a bain scan for a light stroke on the left side. I could have retired at the age 55 if I would have chose to. Every other supervisor had a warning if they done something wrong, I got nothing because I was so straight and proper, and I didn't play there little games. That is why Darryl Bentz didn't like me. Thank you.



Linda F. Weaber
1716 South Forge Rd.
Palmyra, pa. 17078

Ph. (717) 832-0726

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

Linda F. Weaver,

Complainant

v.

Hershey Chocolate USA,

Respondent

PHRC DOCKET No.

EEOC Charge No.

Amended
COMPLAINT

1. The Complainant herein is:

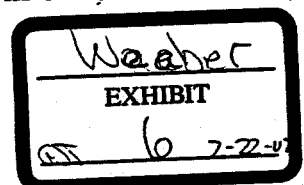
Linda F. Weaver
1716 S. Forge Rd.
Palmyra, PA 17078

2. The Respondent herein is:

Hershey Chocolate USA
19 E. Chocolate Ave.
Hershey, PA 17033

Hershey Foods
Cynthia Lighty, Counsel
100 Crystal A Drive
Hershey PA 17033

3. I allege the respondent violated § 5 of the Pennsylvania Human Relations Act, as follows:



- a. On or about May 13, 1999, Cynthia Lighty, corporate attorney, suspended me because of my age, 51 and or gender, female and or non-job related disability, diabetes and or perceived disability, mental.
- (1) In August 1968, I was hired by the company.
 - (2) In 1983, I was promoted to plant supervisor.
 - (3) From February 1999 to March 1999, I was on sick leave due to my diabetes.
 - (a) Carolyn Haskell, head of the medical department, had denied my request for family medical leave.
 - (b) She stated that she denied my request because my condition was "mental" and that I needed counselling for my depression and weight gain.
 - (i) I had not been diagnosed with depression.
 - (4) In March 1999, I returned to work.
 - (5) In April & May 1999, per Ms. Haskell, I attended counselling sessions with a local psychologist.
 - (6) Thomas Soles, manager of molding and kisses, had accused me of allowing employees to leave at 1:30 pm on May 6, 1999.
 - (a) To my knowledge, none of employees left at 1:30 pm.
 - (7) About 1997, Gary Moyer, male plant supervisor, for a period of eight (8) months paid an employee at the rate of a relief supervisor.
 - (a) The company transferred Mr. Moyer, age early 40s, to another shift.
 - (b) I do not believe that management suspended him.
 - (8) Ms. Lighty told me that I was suspended for allowing employees to leave work at 1:30 pm rather than their quitting time of 3pm.
 - (a) She also told me that I paid an employee, Michael Tomei, for 8 hours when he should have been paid for four.
 - (i) As soon as possible, I told his supervisor that he should be paid for four hours but his supervisor, Tom Zidik, failed to contact pay roll about Mr. Tomei.
 - (b) She told me to have no contact with any of my employees.
- b. On May 21, 1999, Ms. Lighty fired me because of my age, 51 and or gender, female and or non-job related disability, diabetes and or perceived disability, mental.
- (1) Ms. Lighty accused me of contacting some of my employees and asking them to lie for me.
 - (a) She stated that I did this while off for the suspension.
 - (2) Her allegation is false.
 - (3) I did not contact any of my employees; nor did I have any one else contact my employees.
 - (4) As noted above, Mr. Moyer paid an employee shift supervisor wages for a period of 8 months.
 - (a) I do not believe that Mr. Moyer has a disability or is perceived to have a disability.

Linda F. Weaber

v. Hershey Chocolate USA

4. The complainant prays that the respondent be required to provide all appropriate remedies under § 9 of the Pennsylvania Human Relations Act.
5. This charge has been dual filed with EEOC.

I hereby verify that the statements contained in this complaint are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

02/15/2000

(Date Signed)

Linda F. Weaber

Linda F. Weaber

EEOC Form 161-B (10/96)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Linda F. Weaber
1716 S. Forge Rd.
Palmyra, PA 17078

From: Equal Employment Opportunity Commission
Philadelphia District Office
The Bourse
21 S. Fifth Street, Suite 400
Philadelphia, PA 19106-2515

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

EEOC Representative

Telephone No.

17FA01558

Genevieve Delaney, Investigator

(215) 440-2619

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

☒ More than 180 days have passed since the filing of this charge.

☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.

☒ The EEOC is terminating its processing of this charge.

☐ The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

☒ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Marie M. Tomasso

Marie M. Tomasso, District Director

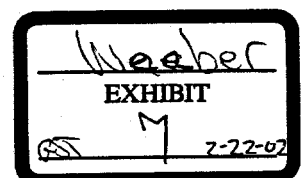
2/13/01

(Date Mailed)

Enclosure(s)

Information Sheet

cc: Hershey's Chocolate USA
Andrew J. Ostrowski, Esquire, for Charging Party



EEOC0004

Hershey Chocolate U.S.A.

A Division of
Hershey FoodsCompany Confidential
(Upon Completion)

PERFORMANCE MANAGEMENT

NAME:	Linda Weaber		
MANAGER:	Tom Soles		
DEPARTMENT:	Kisses / Chips	COST CENTER:	0916
DATE OF REVIEW PERIOD:	January 1998	TO:	December 1998

INSTRUCTIONS:

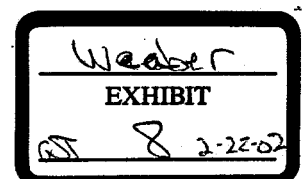
A Performance Management Form Reference Manual should be used to properly complete this form. Call HCUSA Human Resources if this Reference Manual is not readily available.

This form is to be completed for each employee.

1. Annually, during the period December 1 to February 28.
2. Upon the employee changing permanently from one job to another.
3. Upon the rater's change in job assignment, resulting in a new manager for the employee.

Note: Should any of the above happen within three months of an appraisal, it will not be necessary to complete a new appraisal.

The manager retains the completed form, with copies given to the employee and to the HCUSA Human Resources Staffing and Development Department or your local Employee Relations office.



To be completed prior to 3/1 each year; refer to the Performance Management Reference Manual for complete instructions.

PERFORMANCE PLAN - PRODUCTION SUPERVISOR

Priority	STANDARDS, OBJECTIVES, AND PERFORMANCE FACTORS	Rating																																																																								
	<p>OBJECTIVE: Contribute to the Hershey Plant 1998 safety objectives of 1,318,000 hours without a lost time accident. Achieve OSHA case rate of not more than 6.0 and a Lost Day case rate of note more than 0.75 within the KM&N Business Unit to meet the goal.</p> <p>RESULTS EXPECTED:</p> <p>Plant exceeded 1,318,000 hrs. w/o Lost Time Accident. CC #1410 OSHA Rate was 11.1 and 3.5 in CC #1411. Lost Day Case was zero for both areas.</p> <p>OBJECTIVE: Contribute to achieving the Plant Productivity goal of 110 lbs./labor hr. and area goal of 186.3 lbs./labor hr. for cost center 1410, 400 lbs./labor hr. for cost center 1411.</p> <p>RESULTS EXPECTED:</p> <table><tr><th>LINE</th><th>ACHIEVED</th><th>EXCEEDED</th><th>OUTSTANDING</th><th>1998 ACTUAL</th><th>Rating</th></tr><tr><td>1410</td><td></td><td>190</td><td></td><td></td><td>E</td></tr><tr><td>1411</td><td></td><td></td><td>451.9</td><td></td><td>O</td></tr></table> <p>Overall Plant Productivity goal rating: 106.5</p> <p>OBJECTIVE: Contribute to achieving the Plant Rework goal of less than 3% rework and area goal of 1.46% rework for cost center 1410 and 1.58% rework for cost center 1411.</p> <p>RESULTS EXPECTED:</p> <table><tr><th>LINE</th><th>ACHIEVED</th><th>EXCEEDED</th><th>OUTSTANDING</th><th>1998 ACTUAL</th><th>Rating</th></tr><tr><td>1410</td><td></td><td></td><td>135.0</td><td></td><td>O</td></tr><tr><td>1411</td><td></td><td></td><td>125.0</td><td></td><td>O</td></tr></table> <p>Overall Plant Rework rating: 3.27</p> <p>OBJECTIVE: Contribute to the reduction of waste Plantwide by \$1 million and \$500,000 in the packaging areas (includes raw materials, packaging, energy). Less than or equal to 0.23% for cost center 1410. Less than or equal to 0.65% for cost center 1411.</p> <p>RESULTS EXPECTED:</p> <table><tr><th>LINE</th><th>ACHIEVED</th><th>EXCEEDED</th><th>OUTSTANDING</th><th>1998 ACTUAL</th><th>Rating</th></tr><tr><td>1410</td><td></td><td></td><td></td><td>.34</td><td>NFA</td></tr><tr><td>1411</td><td></td><td></td><td>.36</td><td></td><td>O</td></tr></table> <p>Overall Plant Waste rating: .78</p> <p>OBJECTIVE: Achieve a case fill rate of 98.5% within the KM&N Business Unit.</p> <p>RESULTS EXPECTED:</p> <table><tr><th>LINE</th><th>ACHIEVED</th><th>EXCEEDED</th><th>OUTSTANDING</th><th>1998 ACTUAL</th><th>Rating</th></tr><tr><td>1410</td><td>A</td><td>E</td><td></td><td>98.9</td><td>E</td></tr><tr><td>1411</td><td>A</td><td></td><td></td><td>96.5</td><td>NFA</td></tr></table> <p>Overall Plant Case Fill rating: 99.19</p>	LINE	ACHIEVED	EXCEEDED	OUTSTANDING	1998 ACTUAL	Rating	1410		190			E	1411			451.9		O	LINE	ACHIEVED	EXCEEDED	OUTSTANDING	1998 ACTUAL	Rating	1410			135.0		O	1411			125.0		O	LINE	ACHIEVED	EXCEEDED	OUTSTANDING	1998 ACTUAL	Rating	1410				.34	NFA	1411			.36		O	LINE	ACHIEVED	EXCEEDED	OUTSTANDING	1998 ACTUAL	Rating	1410	A	E		98.9	E	1411	A			96.5	NFA	<p>E</p> <p>E</p> <p>E</p> <p>A</p> <p>E</p>
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Priority	STANDARDS, OBJECTIVES, AND PERFORMANCE FACTORS	Rating
	<p><u>STANDARD - OPERATIONS STANDARD:</u> Maintain a solid understanding of the operations which are under the individual area of responsibility. Effectively manage and utilize available resources (i.e., equipment, materials, labor) in order to support goals and objectives set forth by Company and Plant Management.</p> <p><u>RESULTS EXPECTED:</u></p> <ol style="list-style-type: none"> 1. Identify and understand the Plant goals. Develop goals for yourself and your department which support these Plant goals and understand how daily operations impact these goals. 2. Know and understand key operational standards for your individual operations. Develop an understanding of the financial impact of these standards by reviewing key Plant variances on a monthly basis. (i.e., direct labor, material usage, overhead spending). 3. Know and understand the function of the equipment in your individual area at a level which enables you to make prompt and wise operational decisions. 4. Hold employees accountable for Hershey Plant and Division policies (Dress and Grooming, Union Contract/Department rules). Do this consistently and fairly utilizing the discipline outlined in the Supervisors Handbook. 5. Staff individual operations and effectively utilize available labor in a manner that ensures an efficient and cost effective use of labor. 6. Manage labor relations in individual areas of responsibility in a manner that promotes positive attitudes while still maintaining employee accountabilities. Provide an environment which is amenable to challenge and change and one which utilizes the skills and talents of our employees. 7. Be visible in your area of responsibility and be available to the needs of your employees in order to demonstrate commitment and interest in your operations and your people. 8. Recommend capital and expense funding for areas of responsibility which effectively utilizes available Plant funds. Provide information as necessary and support project implementation where appropriate. 9. Provide all required documents which support the above in a timely and accurate manner (i.e., absentee files, production reports, product disposition tickets, etc.) 10. Support Line Teams in your area of responsibility on leadership team or core team. 11. Understand key supplier/customer relationships within the business. Communicate with and utilize the supplier resources effectively to meet customer demand. <p><u>RESULTS:</u></p> <p>Linda has done a good job in this area for 1998. She demonstrates a good working knowledge of the Kiss / Chip production process and utilizes equipment and personnel effectively. Linda does a good job enforcing GMP standards, but must remember consistency is a key to making this work best. Her efforts support the plant goals and she has a base understanding of all measurements, but this is an area of opportunity for the future to learn more detail about the Business process. She is well organized and has been timely with all documentation necessary.</p>	A

Priority	STANDARDS, OBJECTIVES, AND PERFORMANCE FACTORS	Rating
	<p><u>STANDARD - QUALITY STANDARD:</u> Ensure all products manufactured in the Kiss/Chip area meet all applicable quality requirements and the area is maintained in a clean, sanitary condition.</p> <p><u>RESULTS EXPECTED:</u></p> <ol style="list-style-type: none"> 1. Ensure that all CPOP's are documented completely and correctly and all out-of-tolerance conditions are properly documented in a Product Quality Incident Report. 2. Ensure compliance with GMP's in all areas of responsibility. 3. Utilize Defect Tracking to regularly (once per shift) inspect for consumer observable defects, identify defect trends and opportunities for improvement. Communicate results to line operators and others who affect finished product quality and develop and implement action plans to correct defects. 4. Maintain a clean, sanitary operation. Correct discrepancies on Food Safety, Housekeeping and Sanitation Awareness Team audits. Monitor audits for repeat discrepancies and develop and implement action plans to prevent their recurrence. 5. Support HACCP by conducting verification activities outlined in each HACCP plan in the area. Also, support and participate in the internal, semi-annual HACCP program audits. 6. Complete Product Quality Incident Reports thoroughly and in a timely manner. Particular attention must be paid to investigating and identifying the causes of the incident and the action planned or taken to prevent the incident from recurring. 7. Document and communicate to area Plant Q.A. representatives and/or the appropriate Division Packaging staff member all issues regarding quality of packaging materials, supplier support and follow-up, effects of packaging changes and the results of packaging trials and tests. <p><u>RESULTS:</u></p> <p>Linda is active on the floor and supports quality initiatives very well. I feel we all need to be more attentive to CPOP's and develop a <u>Zero tolerance</u> for any CPOP failure. She is timely in her incident report investigations and communicates any necessary QA related issues on a regular basis. The Finishing area and Kisses did receive an excellent on the Lou Wilhelm audit this year and Linda was certainly a part of that effort. Linda heads the area Sanitation team and they did a great job of identifying ongoing issues, communicating the need, and helping to maintain a higher level of area sanitation. Kiss and Chip consumer complaints were down across the board for all items. The Kiss operation also made major improvements in wrap quality exceeding the company goal of a 50% improvement at the wrapper by October 1998.</p>	E

Priority	STANDARDS, OBJECTIVES, AND PERFORMANCE FACTORS	Rating
	<p><u>STANDARD - SAFETY STANDARD:</u> Take responsibility for creating a safe working environment within your area of responsibility.</p> <p><u>RESULTS EXPECTED:</u></p> <ol style="list-style-type: none"> 1. Support the Area Safety Team by prompt corrective action of safety audits and including safety issues/results in each monthly department meeting. 2. Implement safety training (i.e., BIPP) as identified for your department. 3. Communicate JSA information to employees as required. 4. Support and implement OSHA compliance recommendations for equipment in your area of responsibility. 5. Hold employees accountable for Hershey Plant Safety Rules compliance, using progressive discipline as required. 6. Complete Safety Incident Reports thoroughly and in a timely manner. Particular attention must be paid to investigating and identifying the causes of the incident and the action planned or taken to prevent the incident from reoccurring. <p><u>RESULTS:</u></p> <p>Linda supports all safety efforts in this plant and in her area. She has been very good with follow up on necessary safety issues and does a good job of holding employees accountable for safety violations. The safety results for both First Aid and OSHA rate are slightly higher in Kisses and Chips than the plant goal for 1998, but lost time incidents were Zero. Linda heads the area support team for Safety and this group has also done a nice job on reporting on issues and communicating opportunities. I look for the efforts of these to have a more direct impact on area results in the future.</p>	A

Priority	STANDARDS, OBJECTIVES, AND PERFORMANCE FACTORS	Rating
	<p><u>STANDARD - COMMUNICATION STANDARD:</u> Ensure effective communication with all levels and enhance the overall understanding of our Plant and Business Unit operations, policies and key measures.</p> <p><u>RESULTS EXPECTED:</u></p> <ol style="list-style-type: none"> 1. Assure the completion of 12 Department meetings with your employees throughout the year. Communication will include department specific information, business education modules, QTE activities, as well as other key Hershey Plant and HCNA activities. 2. Effectively utilize and promote the visual environment in the workplace to enhance communication and the business education process. 3. Communicate daily with previous and following shift on operational information to maximize operational efficiencies and promote consistency between shifts. 4. Effectively communicate with Manager and Support Staff in a timely manner. Communication means should be appropriate based on the situation. Incorporate various forms of communication such as one-on-one discussions, written reports, Profs, etc. Complete monthly reports as required by the Manager. <p><u>RESULTS:</u></p> <p>Linda does a nice job in holding department meetings that are regular and consistent with the department agenda. Linda also does very well communicating with me. She is timely and has been accurate with her communications and has used good judgment on appropriate times. I still feel there is an opportunity to improve Shift to Shift communications. This has improved greatly over this year, but there is still some friction that needs to go away completely.</p>	A

Priority	STANDARDS, OBJECTIVES, AND PERFORMANCE FACTORS	Rating
	<p><u>DEVELOPMENT PLAN:</u></p> <p>Linda has a very thorough development plan for 1998 and the following is a summary of her results.</p> <ol style="list-style-type: none"> 1. TEAM PLAYER BEHAVIOR, Linda had to consistently demonstrate the ability to effectively interact with both Employees and peers from all shifts in a positive and constructive manner. This greatly improved through the year, but must always remain a primary focus for Linda to continually rebuild trust and confidence from the people in her department. To aid this in 1998 Linda attended a seminar on Personal Change and also Conflict Resolution. She was very pleased with both seminars and is placing much needed effort to continue to improve in this area. 2. PERSONAL INTEGRITY, Linda had to make absolutely certain all interactions and behavior was both truthful and honest all year. This is also important that the perceptions of any friction in her personnel interactions is resolved. Again she showed effort in addressing this area. Her dealings with me were timely, accurate, and professional at all times. This is an absolute for Linda to maintain and continue this improvement in the future. To aid in this effort Linda attended a seminar, Communicating at Work which was designed to focus on clear and accurate communications. 3. PERSONAL LEADERSHIP, Linda had to demonstrate the ability to effectively communicate with all persons while maintaining complete self esteem. She must not manipulate or show any selective behavior in her personnel interactions. Linda improved very nicely in this area and this will take a continued effort on her part to be open and honest and address any issues immediately when they arise. This area has improved, but is not yet to a level where it can increase her personal productivity. She will continue to work on these issues and do the right things as they arise to rebuild the confidence and trust from others. To help Linda improve in this area she attended Covey's First things First seminar in 1998. 	A

Leadership Behaviors

The following behaviors define how managers of people are expected to perform as leaders in influencing employees to perform work and achieve results. While designed for managers with direct reports, several behaviors apply to personal leadership as well. All three critical QTE behaviors are incorporated.

During performance evaluation, place an "x" in the appropriate category indicating if the individual consistently behaves as expected, if further development would be beneficial, or if definite improvement is required. Category definitions are provided to assist in evaluation.

The Hershey Leader (Critical Behaviors)	Consistently Delivers	Development Beneficial	Improvement Needed
<ul style="list-style-type: none"> Displays strong resolve in support of business requirements by making necessary critical decisions that are the right decisions but not the most popular and may be personally uncomfortable. <u>RESULTS ACHIEVED</u>	X		
<ul style="list-style-type: none"> Demonstrates commitment, understanding and support for the company's mission and vision by providing direction culminating in the delivery of value add results (professional and personal leadership). <u>RESULTS ACHIEVED</u>	X		
<ul style="list-style-type: none"> Acts with utmost integrity in all interactions with customers, suppliers, and employees ensuring fairness and trustworthiness (integrity and teamwork). <u>RESULTS ACHIEVED</u>			X
<ul style="list-style-type: none"> Demonstrates self-confidence and trust by allowing subordinates freedom to perform and grow in accordance with their defined duties, competence, and commitment (empowerment). <u>RESULTS ACHIEVED</u>	X		
<ul style="list-style-type: none"> Provides the appropriate resources, coaching and support necessary for each individual and team to realize performance objectives. <u>RESULTS ACHIEVED</u>	X		

Leadership Behaviors

The following behaviors define how managers of people are expected to perform as leaders in influencing employees to perform work and achieve results. While designed for managers with direct reports, several behaviors apply to personal leadership as well. All three critical QTE behaviors are incorporated.

During performance evaluation, place an "x" in the appropriate category indicating if the individual consistently behaves as expected, if further development would be beneficial, or if definite improvement is required. Category definitions are provided to assist in evaluation.

The Hershey Leader (Critical Behaviors)	Consistently Delivers	Development Beneficial	Improvement Needed
<ul style="list-style-type: none"> Supports growth initiatives by encouraging change, innovation and diverse thinking (professional and personal leadership). <u>RESULTS ACHIEVED</u>	X		
<ul style="list-style-type: none"> Communicates openly and honestly and addresses differences by seeking first to understand the position of others and by managing conflict with tact, diplomacy and in pursuit of synergy (professional and personal leadership). <u>RESULTS ACHIEVED</u>		X	
<ul style="list-style-type: none"> Demonstrates understanding of business needs by focusing on customer requirements, high value work and selection of staff members whose skills, knowledge, experience and inherent capabilities are closely aligned with critical success factors. <u>RESULTS ACHIEVED</u>	X		
<ul style="list-style-type: none"> Supports the realization of a seamless organization by demonstrating collaborative behaviors both within the function and across process lines (integrity and teamwork). <u>RESULTS ACHIEVED</u>	X		

Leadership Behaviors

The following behaviors define how managers of people are expected to perform as leaders in influencing employees to perform work and achieve results. While designed for managers with direct reports, several behaviors apply to personal leadership as well. All three critical QTE behaviors are incorporated.

During performance evaluation, place an "x" in the appropriate category indicating if the individual consistently behaves as expected, if further development would be beneficial, or if definite improvement is required. Category definitions are provided to assist in evaluation.

The Hershey Leader (Critical Behaviors)	Consistently Delivers	Development Beneficial	Improvement Needed
<ul style="list-style-type: none"> Tasks employees to develop and maintain their skills and abilities at levels which enable them to continuously deliver superior performance and compete both internally and externally (professional and personal leadership). <p><u>RESULTS ACHIEVED</u></p>		X	
<ul style="list-style-type: none"> Defines and clearly articulates expectations, accountability, and consequences for behavior and consistently supports with action (reward, coach, develop, recognize the expected behaviors). <p><u>RESULTS ACHIEVED</u></p>		X	

Your overall assessment of each individual's performance as a leader must be reflected in the performance summary and the overall rating assigned. Any area that is identified for development should be included in the development plan for the following year. Any areas where definite improvement are required should be included as a personal objective in the performance plan the following year.

To be Completed 12/1 - 2/28 Upon Concluding the Final Review Period

PERFORMANCE APPRAISAL SUMMARY

1. OVERALL EVALUATION

Employee Name:	Linda Weaber	Social Security #:	180-38-2095	Job Grade:	208
Job Title:	Production Supervisor	Department:	Kisses / Chips		
Date Employed:	8/12/68	Time in Position:	14 Yrs.	Time under Mgr.	9 Mths.
Date of Last Appraisal:	January 1998	Date of this review period:	January 1998 - December 1998		
Type of Review:	X	Annual		Personnel Change	Special

PERFORMANCE SUMMARY

Overall Performance Rating: *Achieved.*

This has been a very challenging year for Linda. She experienced a much more focused approach to her development and a very specific agenda of things she had to accomplish. Linda did a very nice job keeping communications open and ongoing and addressing any and all issues that were discussed. There is a negative perception among many of her peers that she needs to remedy. To do this she must be consistent in all efforts and improve her overall dependability. She has to rebuild the trust and relationships with her coworkers and continue the efforts she started in 1998 towards improvements. Linda did an excellent job facilitating and coordinating the efforts of the Kiss area support teams for both Quality and Safety. These teams are organized, have good follow up, and are excellent in communication. In 1999 she must continue this positive effort and align these teams and goals with the area line teams.

2. PLANS FOR TRAINING AND DEVELOPMENT

In 1999 Linda will plan to attend Situational Leadership in 1999 since this was full and unavailable in 1998. Linda must continue all efforts on the development plan above and must restore trust and confidence of others. Linda must take her support groups to the next level and integrate them with line teams and line team goals. This was a nice positive in 1998 and should make an even better impact in 1999.

- Labor And Production Planning - MCA Manager.

3. EMPLOYEE COMMENTS (use the space below to record your comments your appraisal.)

* Employee:	Linda Weaber	**Signature	<i>Linda Weaber</i>	Date	1-21-99
* Manager:	Tom Soles	Signature	<i>Tom Soles</i>	Date	1-21-99
* Reviewer:	Larry Weinsheimer	Signature	<i>Larry Weinsheimer</i>	Date	2/8/99

* Please print or type

**Employee's signature is required. It indicates only that you have had an opportunity to review this document with your manager.

Hershey Chocolate U.S.A.

A Division of
Hershey FoodsCompany Confidential
(Upon Completion)

PERFORMANCE MANAGEMENT

NAME:	Linda Weaber		
MANAGER:	Darryl Bentz		
DEPARTMENT:	Kisses	COST CENTER:	0916
DATE OF REVIEW PERIOD:	January 1997	TO:	December 1997

INSTRUCTIONS:

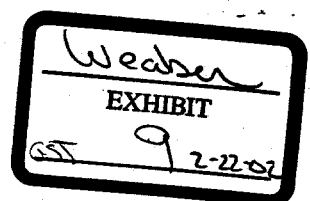
A Performance Management Form Reference Manual should be used to properly complete this form. Call HCUSA Human Resources if this Reference Manual is not readily available.

This form is to be completed for each employee.

1. Annually, during the period December 1 to February 28.
2. Upon the employee changing permanently from one job to another.
3. Upon the rater's change in job assignment, resulting in a new manager for the employee.

Note: Should any of the above happen within three months of an appraisal, it will not be necessary to complete a new appraisal.

The manager retains the completed form, with copies given to the employee and to the HCUSA Human Resources Staffing and Development Department or your local Employee Relations office.



To be completed prior to 3/1 each year; refer to the Performance Management Reference Manual for complete instructions.

PERFORMANCE PLAN - PRODUCTION SUPERVISOR

Priority	STANDARDS, OBJECTIVES, AND PERFORMANCE FACTORS	Rating
	<p><u>STANDARD - OPERATIONS STANDARD:</u> Maintain a solid understanding of the operations which are under the individual area of responsibility. Effectively manage and utilize available resources (i.e., equipment, materials, labor) in order to support goals and objectives set forth by Company and Plant Management.</p> <p><u>RESULTS EXPECTED:</u></p> <ol style="list-style-type: none"> 1. Identify and understand the Plant goals. Develop goals for yourself and your department which support these Plant goals and understand how daily operations impact these goals. 2. Know and understand key operational standards for your individual operations. Develop an understanding of the financial impact of these standards by reviewing key Plant variances on a monthly basis. (i.e., direct labor, material usage, overhead spending). 3. Know and understand the function of the equipment in your individual area at a level which enables you to make prompt and wise operational decisions. 4. Hold employees accountable for Hershey Plant and Division policies (Dress and Grooming, Union Contract/Department rules). Do this consistently and fairly utilizing the discipline outlined in the Supervisors Handbook. 5. Staff individual operations and effectively utilize available labor in a manner that ensures an efficient and cost effective use of labor. 6. Manage labor relations in individual areas of responsibility in a manner that promotes positive attitudes while still maintaining employee accountabilities. Provide an environment which is amenable to challenge and change and one which utilizes the skills and talents of our employees. 7. Be visible in your area of responsibility and be available to the needs of your employees in order to demonstrate commitment and interest in your operations and your people. 8. Recommend capital and expense funding for areas of responsibility which effectively utilizes available Plant funds. Provide information as necessary and support project implementation where appropriate. 9. Provide all required documents which support the above in a timely and accurate manner (i.e., absentee files, production reports, product disposition tickets, etc.) <p><u>RESULTS:</u></p> <p>Linda has an understanding of the process in making and bagging of Kisses and Chips and achieves the daily output of the operations as required. Generally the scheduling of various items is completed by the 1st shift and both 2nd and 3rd shifts setup the appropriate baggers and run as scheduled. Linda does a good job in holding her employees accountable for production, GMP and other plant policies and fully utilizes the relief supervisor in managing the department. Linda is also very knowledgeable concerning results that are achieved by the teams which she leads but at times lacks attention to what accomplishments are made by her fellow supervisors. At various times Linda has not been seen on the floor by her fellow employees for periods of time and departmental issues are left to the relief supervisor. During</p>	A

Priority	STANDARDS, OBJECTIVES, AND PERFORMANCE FACTORS	Rating
	98 Linda will have to not only increase her visibility but also her interactions with hourly and salaried to assist with our ongoing efforts to improve efficiencies and safety within the Kiss and Chip areas.	
	<p><u>STANDARD - QUALITY STANDARD:</u> Ensure all products manufactured in the Kiss and Chip area meet all applicable quality requirements and the area is maintained in a clean, sanitary condition.</p> <p><u>RESULTS EXPECTED:</u></p> <ol style="list-style-type: none"> 1. Ensure that all CPOP's are documented completely and correctly and all out-of-tolerance conditions are properly documented in a Product Quality Incident Report. 2. Ensure compliance with GMP's in all areas of responsibility. 3. Utilize Defect Tracking to regularly (once per shift) inspect for consumer observable defects, identify defect trends and opportunities for improvement. Communicate results to line operators and others who affect finished product quality and develop and implement action plans to correct defects. 4. Maintain a clean, sanitary operation. Correct discrepancies on Food Safety, Housekeeping and Methyl Bromide audits. Monitor audits for repeat discrepancies and develop and implement action plans to prevent their recurrence. 5. Support HACCP by conducting verification activities outlined in each HACCP plan in the area. Also, support and participate in the internal, semi-annual HACCP program audits. 6. Complete Product Quality Incident Reports thoroughly and in a timely manner. Particular attention must be paid to investigating and identifying the causes of the incident and the action planned or taken to prevent the incident from recurring. 7. Document and communicate to area Plant Q.A. representatives and/or the appropriate Division Packaging staff member all issues regarding quality of packaging materials, supplier support and follow-up, effects of packaging changes and the results of packaging trials and tests. <p><u>RESULTS:</u></p> <p>The Kiss and Moulding Safety and Consumer Complaint committees have done an excellent job during the period in inspecting and recommending solutions to issues pertaining to Sanitation, Safety and GMP compliance issues. The area received an Excellent rating which reflects the attention given to improvement. The area continues to improve upon attention given to the importance of maintaining control point documentation and sanitation records. Linda has assisted the team and helped enhance their commitment through the involvement of representatives from Safety, Methyl Bromide/Sanitation and Consumer Relations Departments.</p>	A

Priority	STANDARDS, OBJECTIVES, AND PERFORMANCE FACTORS	Rating
	<p><u>STANDARD - SAFETY STANDARD:</u> Take responsibility for creating a safe working environment within your area of responsibility.</p> <p><u>RESULTS EXPECTED:</u></p> <ol style="list-style-type: none"> 1. Support the Area Safety Team by prompt corrective action of safety audits and including safety issues/results in each monthly department meeting. 2. Implement safety training (i.e., BIPP) as identified for your department. 3. Communicate JSA information to employees as required. 4. Support and implement OSHA compliance recommendations for equipment in your area of responsibility. 5. Hold employees accountable for Hershey Plant Safety Rules compliance, using progressive discipline as required. 6. In a timely manner, communicate all serious employee accidents to the Manager and appropriate support staff (i.e., Health Services and Safety Department). <p><u>RESULTS:</u></p> <p>All K&M Business Unit hourly employees attended BIPP safety training in 1997. In addition, presentations during department meetings were held, safety updates were routinely posted and JSAs were completed and included within operational procedures. During 1998, a concerted effort will be required for training, counseling and disciplinary actions to eliminate further accidents. Personal responsibility for one's own safety will be a #1 priority.</p>	A

Priority	STANDARDS, OBJECTIVES, AND PERFORMANCE FACTORS	Rating
	<p data-bbox="402 191 1386 279"><u>STANDARD - COMMUNICATION STANDARD:</u> Ensure effective communication with all levels and enhance the overall understanding of our Plant and Business Unit operations, policies and key measures.</p> <p data-bbox="402 317 683 342"><u>RESULTS EXPECTED:</u></p> <ol data-bbox="402 380 1398 1014" style="list-style-type: none"> 1. Assure the completion of 12 Department meetings with your employees throughout the year. Communication will include department specific information, business education modules, QTE activities, as well as other key Hershey Plant and HCNA activities. Supervisors will receive feedback at a minimum of at least once per year from the employees on their likes/dislikes and what they want to hear by utilizing standard written survey provided by Manager. 2. Communicate results Employee Opinion Survey. Develop and implement action plans to address critical issues. 3. Effectively utilize and promote the visual environment in the workplace to enhance communication and the business education process. 4. Communicate daily with previous and following shift on operational information to maximize operational efficiencies and promote consistency between shifts. 5. Effectively communicate with Manager and Support Staff in a timely manner. Communication means should be appropriate based on the situation. Incorporate various forms of communication such as one-on-one discussions, written reports, Profs, etc. Complete monthly reports as required by the Manager. <p data-bbox="402 1052 526 1077"><u>RESULTS:</u></p> <p data-bbox="402 1115 1386 1329">Department meetings were conducted by Linda and/or her relief supervisor. Linda discussed results of internal customer feedback assessment with Tim Daniels, training department, in order to learn more about her interpersonal strengths and weaknesses. No feedback was required by the manager due to the contract and pending issues but in 98 the personal survey results, as well as the departmental attitude survey, will be revisited and action plans will be implemented, where appropriate, to assure interdepartmental issues are addressed with the goal of better working relationships with peers and hourly employees alike.</p>	A

Priority	STANDARDS, OBJECTIVES, AND PERFORMANCE FACTORS			Rating																												
	<p>PERFORMANCE FACTORS: Model principles of leadership through being a Team player, developing others and exhibiting personal integrity and personal leadership.</p> <p>TEAM PLAYER</p> <p>RESULTS EXPECTED: Each employee is encouraged to cooperate, communicate, and create value to our business by focusing on customer needs and creating a Teamwork environment.</p> <p>RESULTS:</p> <table border="0"> <thead> <tr> <th></th> <th>Consistently Demonstrates</th> <th>Occasionally Demonstrates</th> <th>Development Needed</th> </tr> </thead> <tbody> <tr> <td>Create & add value to the business</td> <td>X</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Flexible - adapt to change</td> <td><input type="checkbox"/></td> <td>X</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Work to resolve conflicts</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>X</td> </tr> <tr> <td>Share resources</td> <td>X</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Share information</td> <td>X</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Meet or exceed customer needs</td> <td>X</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table> <p>SUMMARY:</p> <p>Linda has been previously counseled by the manager that, while she attends to certain aspects of the job, her teamwork is very selective. This not only applies to supervision but also hourly employees which affects the unity within the K&M business unit. While Linda communicates well on important issues that affect the operations, the routine interrelationships and communications are lacking. Improvement in this area must be made during the next reporting period in order that the effort to improve efficiencies of the department are not hindered.</p>				Consistently Demonstrates	Occasionally Demonstrates	Development Needed	Create & add value to the business	X	<input type="checkbox"/>	<input type="checkbox"/>	Flexible - adapt to change	<input type="checkbox"/>	X	<input type="checkbox"/>	Work to resolve conflicts	<input type="checkbox"/>	<input type="checkbox"/>	X	Share resources	X	<input type="checkbox"/>	<input type="checkbox"/>	Share information	X	<input type="checkbox"/>	<input type="checkbox"/>	Meet or exceed customer needs	X	<input type="checkbox"/>	<input type="checkbox"/>	NFA
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	<p>INTEGRITY</p> <p>RESULTS EXPECTED: Each employee is expected to value the diversity of our workforce by remaining open, honest, and fair, and treating others the way we expect to be treated.</p> <p>RESULTS:</p> <table border="0"> <thead> <tr> <th></th> <th>Consistently Demonstrates</th> <th>Occasionally Demonstrates</th> <th>Development Needed</th> </tr> </thead> <tbody> <tr> <td>Deals truthfully, openly & honestly with others</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>X</td> </tr> <tr> <td>Keep commitments</td> <td>X</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Show respect for others</td> <td><input type="checkbox"/></td> <td>X</td> <td><input type="checkbox"/></td> </tr> </tbody> </table> <p>SUMMARY:</p> <p>Linda has shown some improvement in this area after her return to work after a period of extended absences. At mid year we addressed the need to improve upon dealing with subordinates, peers and fellow supervisors in a fair, honest and respectful manner. Further attention and focus is required to improve communications and undo the perceived division between Linda and some of her fellow Supervisors and teammates.</p>				Consistently Demonstrates	Occasionally Demonstrates	Development Needed	Deals truthfully, openly & honestly with others	<input type="checkbox"/>	<input type="checkbox"/>	X	Keep commitments	X	<input type="checkbox"/>	<input type="checkbox"/>	Show respect for others	<input type="checkbox"/>	X	<input type="checkbox"/>	NFA												
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Priority	STANDARDS, OBJECTIVES, AND PERFORMANCE FACTORS	Rating																				
	<p>PERSONAL LEADERSHIP</p> <p>RESULTS EXPECTED: Each employee is responsible to take a leadership role. This will be demonstrated by showing initiative, commitment, and using effective interaction skills in dealing with others.</p> <p>RESULTS:</p> <table border="1"> <thead> <tr> <th></th> <th>Consistently Demonstrates</th> <th>Occasionally Demonstrates</th> <th>Development Needed</th> </tr> </thead> <tbody> <tr> <td>Demonstrates excellence, commitment, energy, enthusiasm</td> <td><input type="checkbox"/></td> <td>X</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Show initiative - accept responsibility</td> <td><input type="checkbox"/></td> <td>X</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Coach, encourage, recognize, listen</td> <td><input type="checkbox"/></td> <td>X</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Learn and profit from experience</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>X</td> </tr> </tbody> </table> <p>SUMMARY:</p> <p>Linda supervises her people well at times and is often selective on how approaches are made in pointing out a fault or demand with peers and subordinates. In the past we have discussed that intimidation and hard fisted tactics, such as using loud profane and aggressive responses, in that these are not effective and proper methods in building an effective and cooperative team. Simply stated, good leadership is obtained when we can communicate requirements and accomplish the goal as efficiently as possible while preserving the respect of those assigned the task. Obviously, this is not accomplished without proper coaching and training so that there is a good understanding of the desired result. Disciplinary action, when appropriate, can be used but is not the major impetus in getting the task accomplished. During 98 Linda must demonstrate improvement in this area in order to retain her present position as supervisor.</p> <p>It should be further noted that Linda's own personal assessment of her performance was listed as Outstanding, which clearly indicates her perception of performance is far beyond the actual level of performance as listed herein. Furthermore, it is imperative that Linda realize that with the implementation of Line Team(s) in 1998, relationships at all levels must move away from traditional boss/subordinate style and become relationships of colleagues or co-workers.</p>		Consistently Demonstrates	Occasionally Demonstrates	Development Needed	Demonstrates excellence, commitment, energy, enthusiasm	<input type="checkbox"/>	X	<input type="checkbox"/>	Show initiative - accept responsibility	<input type="checkbox"/>	X	<input type="checkbox"/>	Coach, encourage, recognize, listen	<input type="checkbox"/>	X	<input type="checkbox"/>	Learn and profit from experience	<input type="checkbox"/>	<input type="checkbox"/>	X	NFA
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Priority	STANDARDS, OBJECTIVES, AND PERFORMANCE FACTORS	Rating																				
	<p><u>DEVELOPMENT OF OTHERS</u></p> <p><u>RESULTS EXPECTED:</u> Management is expected to encourage the growth and development of employees by providing opportunities to enhance their skills, knowledge and abilities. It is important for all employees to remain competitive in today's business.</p> <p><u>RESULTS:</u></p> <table border="0"> <thead> <tr> <th></th> <th>Consistently Demonstrates</th> <th>Occasionally Demonstrates</th> <th>Development Needed</th> </tr> </thead> <tbody> <tr> <td>Provide toward stretch assignments and goals</td> <td><input type="checkbox"/></td> <td>X</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Provide development opportunities in line with skills</td> <td><input type="checkbox"/></td> <td>X</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Enhance understanding of our customers and business</td> <td>X</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Support education through on-going training efforts</td> <td><input type="checkbox"/></td> <td>X</td> <td><input type="checkbox"/></td> </tr> </tbody> </table> <p><u>SUMMARY:</u></p> <p>Linda is supportive of the development of others through training, delegation and empowerment.</p>		Consistently Demonstrates	Occasionally Demonstrates	Development Needed	Provide toward stretch assignments and goals	<input type="checkbox"/>	X	<input type="checkbox"/>	Provide development opportunities in line with skills	<input type="checkbox"/>	X	<input type="checkbox"/>	Enhance understanding of our customers and business	X	<input type="checkbox"/>	<input type="checkbox"/>	Support education through on-going training efforts	<input type="checkbox"/>	X	<input type="checkbox"/>	A
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Priority	STANDARDS, OBJECTIVES, AND PERFORMANCE FACTORS						Rating
	STANDARD: Contribute to the overall Hershey Plant Performance measures by understanding how the area is measured, measure the operations performance and continuously improve the operations.						
	OBJECTIVE: Contribute to the Hershey Plant 1997 safety objectives of 1,318,000 hours without a lost time accident. Achieve 100 consecutive workdays without a lost time accident during the period of 4/1/97 - 12/31/97 within your Operating Team.						A
	RESULTS EXPECTED:						
	LINE	ACHIEVED	EXCEEDED	OUTSTANDING	1997 ACTUAL	Rating	
		100 Workdays	150 Workdays	200 Workdays	100		
	Excellent effort: Safety training given. JSA's updated and Safety Team held inspections.						
	OBJECTIVE: Contribute to achieving the Plant Productivity goal of 105 lbs./labor hr. and area goal of 187 lbs./labor hr. for cost center 1410 and 354 lbs./labor hr. for cost center 1411.						E
	RESULTS EXPECTED:						
	LINE	ACHIEVED	EXCEEDED	OUTSTANDING	1997 ACTUAL	Rating	
	1410	185.5			185.5		
	1411			X	383.2		
	Overall Plant Productivity goal rating: E - Achieved 106.9 lbs./hr. Plantwide (+4.6% vs. 1996)						
	OBJECTIVE: Contribute to achieving the Plant Rework goal of less than 3% rework and area goal of 1.70% rework for cost center 1410 and 1.58% rework for cost center 1411.						E
	RESULTS EXPECTED:						
	LINE	ACHIEVED	EXCEEDED	OUTSTANDING	1997 ACTUAL	Rating	
	1410		X		1.52		
	1411	X			1.60		
	Overall Plant Rework rating: E - Rework was reduced to 3.09% Plantwide (-6% vs. 1996)						
	OBJECTIVE: Contribute to the reduction of waste Plantwide by \$1 million and \$500,000 in the packaging areas (includes raw materials, packaging, energy).						E
	Less than or equal to 0.2375% for cost center 1410 and less than or equal to 0.89% for cost center 1411.						
	RESULTS EXPECTED:						
	LINE	ACHIEVED	EXCEEDED	OUTSTANDING	1997 ACTUAL	Rating	
	1410	X			.24		
	1411			X	.68		
	Overall Plant Waste rating: E - Waste was reduced Plantwide by \$1,184,000 and \$529,000 in packaging areas.						

To be Completed 12/1 - 2/28 Upon Concluding the Final Review Period

PERFORMANCE APPRAISAL SUMMARY

1. OVERALL EVALUATION

Employee Name:	Linda Weaber	Social Security #:	180-38-2095	Job Grade:	207
Job Title:	Production Supervisor	Department:	Kiss Department		
Date Employed:	8/12/68	Time in Position:	13 Years	Time under Mgr.	1.5 Years
Date of Last Appraisal:	January 1997	Date of this review period:	January 1997 - December 1997		
Type of Review:	<input checked="" type="checkbox"/> Annual	<input type="checkbox"/> Personnel Change	<input type="checkbox"/> Special		

PERFORMANCE SUMMARY

Overall Performance Rating:

NOT FULLY ACHIEVED

During 1997, Linda has not achieved the level of performance required to fully support the performance objectives as established in the areas of personal leadership, integrity and teamwork. Through various sources it has been verified that Linda periodically has utilized profanity and intimidation tactics to get hourly personnel to do their jobs and/or has fabricated untruths in an attempt to establish her point of view. She was counseled by Larry Weinsheimer and D.K. Bentz during 1997 for the above, at which time corrections in behavior were clearly stipulated. It should be mentioned that Linda has the ability to do excellent work and perform her job very well using proper behavior. However, as previously mentioned, her behavior is selective to those that she likes and others, otherwise, as listed above. As a result, it is absolutely imperative that Linda make marked improvements in her behavior during 1998 if she desires to remain a Supervisor.

2. PLANS FOR TRAINING AND DEVELOPMENT

Linda's performance will be monitored on an on-going basis by the Manager and appropriate counseling and/or disciplinary steps will be taken.

3. EMPLOYEE COMMENTS (use the space below to record your comments your appraisal.)

* Employee:	Linda Weaber	**Signature	<i>Linda H. Weaber</i>	Date	2/9/98
* Manager:	Darryl Bentz	Signature	<i>Darryl K. Bentz</i>	Date	2/29/98
* Reviewer:	Larry Weinsheimer	Signature	<i>Larry Weinsheimer</i>	Date	2/30/98
* Please print or type					
**Employee's signature is required. It indicates only that you have had an opportunity to review this document with your manager.					

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

.....
LINDA F. WEABER, .
 Plaintiff .
 . Civil Action
 . Number 1:CV-01-0856
 .
vs. .
HERSHEY FOODS CORPORATION,.
 Defendant .
.....

Videotaped
Deposition of: LARRY WEINSHEIMER

Taken by : Plaintiff

Date : April 5, 2002, 1:16 p.m.

Place : 4311 North Sixth Street
Harrisburg, Pennsylvania

Video
Operator : Crystal M. Lyde

Reporter : Glenda S. Travitz
Registered Professional Reporter

APPEARANCES:

ANDREW J. OSTROWSKI, ESQUIRE

For - Plaintiff

McNEES WALLACE & NURICK LLC

By: BRIAN F. JACKSON, ESQUIRE

For - Defendant

Exam./Ostrowski - Weinsheimer

1 MS. TRAVITZ: Glenda Travitz, with Filius
2 & McLucas court reporting.

3 MR. OSTROWSKI: And Andy Ostrowski,
4 counsel for Plaintiff.

5 MS. LYDE: Thank you.

6 EXAMINATION

7 BY MR. OSTROWSKI:

8 Q. Your last name, I asked someone the other day
9 how to pronounce it, and they pronounced it
10 with an S-H sound, Weinsheimer.

11 A. Well, the H is actually silent. It's
12 Weinsheimer.

13 Q. Weinsheimer. Okay. Mr. Weinsheimer, my name
14 is Andy Ostrowski. I believe we met before.
15 We may have met at the Pennsylvania --

16 A. Yes.

17 Q. -- Human Relations Commission.

18 You understand you're here today to give a
19 deposition in connection with a lawsuit that
20 Linda Weaber has brought against Hershey Foods?

21 A. Yes.

22 Q. And have you given a deposition before?

23 A. No, I have not.

24 Q. Okay. I'm sure -- Well, I'm not sure, but I'm
25 fairly certain that you would have reviewed

Exam./Ostrowski - Weinsheimer

1 some of the ground rules of what we'll be going
2 over today with your counsel before the
3 deposition. But just to fill you in by way of
4 background, you've been identified as a witness
5 who we believe has knowledge or information
6 relevant or material to our lawsuit.

7 Under the rules governing the deposition
8 process -- or the litigation process, we're
9 entitled to call witnesses in and get their
10 depositions under oath. You note we have a
11 court reporter here and also video and
12 audiotape that will be recording everything we
13 go over today.

14 It's primarily a question-and-answer
15 session, relatively informal. But I will be
16 asking you questions to which you will be
17 responding truthfully and accurately, of
18 course. And I just -- Just to be sure that --
19 When you answer a question, be sure that you've
20 heard and understood my question. So that if
21 there's anything that you don't understand or
22 any way I can make my question clearer, feel
23 free to stop and ask before you answer.

24 A. Okay.

25 Q. And, also, as we proceed through the

Exam./Ostrowski - Weinsheimer

- 1 deposition, I mean you're free to consult with
2 your counsel at any time. I don't have any
3 problem whatsoever. If you have any questions
4 about anything that I'm asking or anything you
5 want to ask me at all about the case or my
6 questions, feel free to ask me, and I'll try to
7 assist you. Okay?
- 8 A. Okay.
- 9 Q. How are you currently employed?
- 10 A. Do you mean my title or --
- 11 Q. Your title.
- 12 A. My title. I'm the manufacturing manager at the
13 Hershey chocolate plant.
- 14 Q. Okay. And how long have you been manufacturing
15 manager at the Hershey chocolate plant?
- 16 A. The exact -- About six years; six, seven
17 years.
- 18 Q. Okay. And how long have you been with Hershey
19 Foods?
- 20 A. Since November of 1980.
- 21 Q. Okay.
- 22 A. So about 20, 21 years.
- 23 Q. Just give me the progression of how you worked
24 through Hershey Foods from 1980 through the
25 present.

Exam./Ostrowski - Weinsheimer

1 A. In 1980 I started as an industrial engineer in
2 the plant. And then a few years later then I
3 went into production supervision, was a
4 production supervisor. I went into production
5 management as a production manager. At the
6 time it was called general supervisor.

7 And then at one point I became manager of
8 industrial engineering in the plant and then
9 came back out in the plant as manufacturing
10 manager in both processing and currently the
11 packaging area, which is my current position.

12 Q. Okay. Could you describe for me what the
13 hierarchy is within the plant? I believe that
14 the plant manager would be the top position.

15 A. Correct.

16 Q. And then on down from plant manager?

17 A. Well, I report to the plant manager. The plant
18 manager has a staff of six, eight -- say six or
19 eight individuals. And I'm one of the
20 manufacturing managers. There are two
21 manufacturing managers.

22 Q. Okay. And who are the other persons under the
23 plant manager?

24 A. Okay. We have Roger Carpenter, who is
25 manufacturing manager in the grocery and

Exam./Ostrowski - Weinsheimer

1 processing area.

2 Q. So he's the other manufacturing manager?

3 A. Yes.

4 Q. Okay.

5 A. There's Kim Estock, who is the manager of
6 administrative services.

7 Bob Repko is the manager of tech services,
8 technical services engineering.

9 John Ames is the manager of quality
10 assurance.

11 Tom Kettering is the manager of Employee
12 Relations.

13 Those are the -- Right now we don't have
14 a superintendent position that's reporting
15 directly, I think. Unless I'm missing one,
16 that would be it, I think.

17 Q. Okay. What did you say about superintendent?

18 A. The superintendent positions, through our
19 recent reorganization, do not report directly
20 to the plant manager anymore. They had at some
21 point. That does not occur anymore.

22 The superintendent positions are now new
23 positions. They're called production
24 manager/superintendent. So they don't report
25 directly to the plant manager anymore. One

Exam./Ostrowski - Weinsheimer

1 reports currently to me, and then one reports
2 to Roger Carpenter in that position. So that's
3 a recent change within this last year.

4 Q. And when was that change?

5 A. I would say in the last two or three months.

6 Q. Okay. Were there positions of superintendent
7 prior to two, three months ago?

8 A. Yes.

9 Q. Were they shift superintendents?

10 A. Yes. There was a second and a third shift
11 superintendent position.

12 Q. Okay. What was the change?

13 A. Well, the change is with the recent
14 reorganization the second and third shift
15 superintendent positions actually picked up
16 more responsibility on other shifts as a
17 production manager/production superintendent.
18 And they -- So they picked up more
19 responsibility, and in addition to that, they
20 now do not report right to the plant manager.

21 MR. OSTROWSKI: I'm sorry. If we can just
22 go off the record.

23 MS. LYDE: It's 1:22 p.m. Take a short
24 break.

25 (Recess taken.)

Exam./Ostrowski - Weinsheimer

1 MS. LYDE: It's 1:26 p.m. We're back on
2 video, audio, and the record.

3 MR. OSTROWSKI: Again, I apologize for the
4 distraction there.

5 BY MR. OSTROWSKI:

6 Q. Below the level of manufacturing manager,
7 what's the hierarchy down that line?

8 A. Then there are production managers and then
9 maintenance manager reporting to the
10 manufacturing manager.

11 Q. Production manager is reporting to each
12 manufacturing manager?

13 A. Yes.

14 Q. And as I understand it, each manufacturing
15 manager has a separate area of responsibility.

16 A. Correct.

17 Q. What are the two separate areas?

18 A. The one area is processing and grocery, and
19 then the other area that I'm responsible for is
20 considered packaging.

21 Q. And what is processing and grocery?

22 A. Processing would be more the raw materials of
23 chocolate and peanuts and almonds and things
24 like that. Processing within the plant would
25 be considered processing of the raw material,

Exam./Ostrowski - Weinsheimer

1 of the intermediate product.

2 Grocery is cocoa finished goods, cocoa
3 can, and then syrup finished goods, syrup
4 bottle.

5 And then I have packaging, which is all
6 the other finished goods operations of the
7 plant.

8 Q. Okay. Which is what? The candies and --

9 A. Yeah. Kisses, miniatures, milk and almond
10 bars, Rolo, different ones.

11 Q. When you say packaging, is the production
12 actually done at a different area?

13 A. No. When I say -- In the area of the plant,
14 we get the chocolate and almonds or whatever
15 from the processing area pumped to us, and we
16 mold the product or deposit it for Kisses and
17 things like that, and we package it into the
18 finished goods which you see in the store.

19 Q. Okay. Processing and grocery and packaging,
20 are they done in two separate areas?

21 A. Yes, two separate areas of the plant.

22 Q. All in the plant, though?

23 A. Yes. Uh-huh.

24 Q. Then does each manufacturing manager have a
25 separate staff of production managers?

Exam./Ostrowski - Weinsheimer

1 A. Yes.

2 Q. How many total production managers are there?

3 A. If you don't include those new positions of the
4 superintendents which are part production
5 managers, I have four. There are -- If I
6 recall correctly, it would be three in the
7 grocery and processing area.

8 Q. Okay. And that was Roger Carpenter?

9 A. Yes.

10 Q. So there's four that report to you, three that
11 report to Roger Carpenter?

12 A. Yeah, if I remember right.

13 Q. Now, do you maintain any day-to-day supervisory
14 responsibilities over the three production
15 managers who report to Roger Carpenter?

16 A. I have no responsibility on what reports to
17 him.

18 Q. Okay. Who are the four production managers
19 that currently are under you?

20 A. Reporting to me? Tom Soles, Vince Castelli,
21 Brad White, Vern Croxall. And then I have a
22 maintenance manager also, Steve Brandt, that
23 reports to me.

24 Q. Who was the gentleman after Brad White?

25 A. Vern Croxall.

Exam./Ostrowski - Weinsheimer

1 Q. And then the maintenance manager?

2 A. Steve Brandt.

3 Q. Okay. And why do you -- You seem to separate
4 -- because that's five.

5 A. It's maintenance. Because he's considered a
6 maintenance manager. He's responsible for the
7 maintenance functions within my area. The
8 production managers have only the production
9 employees reporting to them.

10 Q. Okay. And of those four other production
11 managers--Mr. Soles, Mr. -- was it Castelli,
12 Mr. White, and Mr. Croxall--how long have each
13 of them been there?

14 A. I would say that Mr. Soles has been there
15 approximately three to four years. Do you mean
16 in their current position?

17 Q. In their current position, yeah.

18 A. Mr. Castelli, I don't know for sure, but I
19 would guess somewhere in the neighborhood of
20 probably about eight years. Mr. White, one
21 year. Mr. Croxall, also about three to four
22 years.

23 Q. Okay. Who was in the production manager
24 position that is currently filled by Mr. White
25 prior to Mr. White?

Exam./Ostrowski - Weinsheimer

1 A. Merle Meashey.

2 Q. How do you spell Meashey?

3 A. M-E-A-S-H-E-Y.

4 Q. Okay. And do each of those four production
5 managers then have separate areas of
6 responsibility?

7 A. Yes, they do.

8 Q. How are those broken down?

9 A. Well, by area. Tom Soles has what we consider
10 second floor wrapping of the packaging area.

11 Vince Castelli has -- They call that
12 confecto/pan, but it's confectionary department
13 and panning department.

14 Brad White has miniatures. And we call
15 third and fourth floor Jensen lines.

16 Q. Jensen?

17 A. Jensen, J-E-N-S-E-N. It's a molding line.

18 Q. What did you say it was? A molding line?

19 A. Yeah. It means they mold bars.

20 Q. Okay.

21 A. And then Vince Castelli -- Who is left? Oh,
22 Vern Croxall. Vern Croxall has Kisses and
23 chips and Nuggets operations in the molding
24 department.

25 Q. Okay. Now, are these -- You identified these

Exam./Ostrowski - Weinsheimer

1 areas in terms of floors. Are they operations
2 that are conducted on separate floors?

3 A. Well, sometimes they overlap on different
4 floors. But they're usually broke down by
5 their departments or operations.

6 Q. Okay. And are each of those production
7 managers, are they -- do they work the same
8 shift that you work?

9 A. Yes, they do.

10 Q. Is that daylight shift?

11 A. Usually daylight, yes.

12 Q. And then from what I understand from Mr. Soles'
13 deposition is the superintendents then serve in
14 somewhat the supervisory/management capacity on
15 the night and --

16 A. Second shift and third shift. Yes, that's
17 true.

18 Q. Okay. Now, below the level of production
19 manager, what do you -- how many -- what is the
20 position?

21 A. There are production supervisors below each
22 production manager and maintenance manager.
23 Production for the production supervisors, and
24 there's maintenance supervisors under the
25 maintenance manager.

Exam./Ostrowski - Weinsheimer

1 Q. Okay. How many production supervisors under
2 Mr. Soles?

3 A. Twelve. Well, that -- I'm sorry. There were
4 just some recent retirements. Right now there
5 would be nine.

6 Q. Nine. Are there three vacancies?

7 A. Well, there are three positions that we're not
8 filling now with the reorganization. We will
9 end up with nine.

10 Q. When did those vacancies occur?

11 A. Just this year.

12 Q. Okay. Prior to that then there were 12
13 positions?

14 A. Correct.

15 Q. And how long were there 12 positions under
16 Mr. Soles?

17 A. As long as I can -- As long as he has been in
18 the position, as I recall.

19 Q. Okay. Then under Mr. Castelli?

20 A. He would have, if I remember, five, I think.

21 Q. Okay. Then Mr. White?

22 A. He would have five.

23 Q. And Mr. Croxall?

24 A. Seven.

25 Q. Seven. Okay. Are there production --

Exam./Ostrowski - Weinsheimer

1 maintenance supervisors then?

2 A. Yes.

3 Q. How many maintenance supervisors?

4 A. Nine, I think.

5 Q. Okay. So 30, 38?

6 A. Sounds about right.

7 Q. So you have 35 right now as of today?

8 A. That sounds about right.

9 Q. And in what line -- Under which production
10 manager was Linda Weaber assigned?

11 A. Well, at the time Tom Soles was her manager.
12 At the time he had the Kisses and chips
13 operation that currently Vern Croxall has. But
14 at the time he had that operation.

15 Q. Okay. So they just switched?

16 A. Yeah. He came from the grocery area, and we
17 made some movement. We move the managers
18 around, sometimes give them different
19 responsibilities. So at the time Tom Soles had
20 what Vern Croxall currently has.

21 Q. That's --

22 A. Kisses and chips and molding and Nuggets.

23 Q. Is that what you said was the Jensen line?

24 A. No, that wasn't the Jensen line.

25 Q. Okay. I missed something then because I --

Exam./Ostrowski - Weinsheimer

1 A. You have Vern Croxall.

2 Q. I wrote Jensen down next to him.

3 A. That would be Brad White.

4 Q. Okay. And I wrote miniatures down next to him.

5 A. That's right. We had miniatures and Jensen
6 lines. I guess maybe I might have said that
7 molding department which has sort of the
8 molding end of the jensen lines. I might have
9 said that.

10 Q. Okay. So then Vern Croxall has Kisses and
11 chips?

12 A. And Nuggets and molding department, yes.

13 Q. Okay. Nuggets.

14 And who -- Because you also -- You
15 identified both Mr. Soles and Mr. Croxall as
16 having been under your supervision for three to
17 four years.

18 A. Uh-huh.

19 Q. Did they both come in around the same time?

20 A. They come into the plant around the same time.
21 Yes, they did.

22 Q. Okay. But when Mr. Soles came in, he came in
23 for Kisses, chips, Nuggets, and molding?

24 A. Yes. Correct.

25 Q. And there were seven production supervisors?

3

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

.....
LINDA F. WEABER,
Plaintiff
vs.
HERSHEY FOODS CORPORATION,
Defendant
.....

Civil Action
Number 1:CV-01-0856

Videotaped
Deposition of: THOMAS E. SOLES

Taken by : Plaintiff

Date : April 1, 2002, 12:38 p.m.

Place : 4311 North Sixth Street
Harrisburg, Pennsylvania

Video
Operator : Crystal M. Lyde

Reporter : Glenda S. Travitz
Registered Professional Reporter

APPEARANCES:

ANDREW J. OSTROWSKI, ESQUIRE

For - Plaintiff

McNEES WALLACE & NURICK LLC

By: ELIZABETH A. MAGUSCHAK, ESQUIRE

For - Defendant

ALSO PRESENT:

LINDA F. WEABER

Exam./Ostrowski - Soles

1 A. He asked for someone to do something. They
2 didn't do it, and he snapped.

3 Q. What? Inappropriate language or --

4 A. No. Just behavior. Just loud and degrading.

5 Q. Okay. And what was the result of that
6 situation?

7 A. Same thing. It was counseling. I don't recall
8 if it was written or verbal.

9 Q. Okay. And then the third situation?

10 A. The third would have been Linda's situation.

11 Q. Okay. We'll talk about that a little bit more
12 then.

13 When you came to the Hershey plant as a
14 production manager, what did you do to -- I
15 mean was there any orientation or training for
16 you for your new position?

17 A. No. I believe it was expected that I was
18 qualified for that position when I got there.

19 Q. Okay. But there were some differences. You
20 had to learn personnel and learn different
21 production --

22 A. Yeah. You had to learn the personnel that you
23 had and just orientation at the plant, the size
24 of it. It's a huge building.

25 Q. Okay. But there was no formal program or

Exam./Ostrowski - Soles

1 anything?

2 A. No. When you're hired salary, you actually get
3 an orientation more up-front as a supervisor,
4 which I had had 10 years prior or seven years
5 prior, somewhere in that time frame. But no.
6 I mean you sort of just learn on the fly.

7 Q. Okay. Who were the other production managers
8 when you were production manager? I mean when
9 Linda was still there. Excuse me.

10 A. Merle Meashey is production manager of the flex
11 area. Vince Castelli was the production
12 manager of the confecto/pan area. I think when
13 I first got hired Roger Carpenter was the
14 production manager of the wrapping area. Steve
15 Brandt was the production manager of the Area 1
16 maintenance area. And I would have been the
17 fifth. I believe that's everybody.

18 Q. And how are -- Are there regularly scheduled
19 production managers meetings?

20 A. Yeah. They have a weekly staff Thursday
21 mornings.

22 Q. Okay. And what types of matters are addressed
23 at the weekly staff meetings?

24 A. Typically operational, quality, safety,
25 training, and sometimes staffing.

Exam./Ostrowski - Soles

1 Q. Do you know if Linda Weaber was ever the topic
2 of discussion at a weekly scheduled managers
3 meeting?

4 A. Not in my tenure. She was not. We did not
5 discuss personnel.

6 Q. Okay. Now, what about meetings -- Did you
7 have regularly scheduled meetings or periodic
8 meetings with either the manufacturing manager
9 or plant manager apart from the production
10 manager meetings?

11 A. Yes. Not plant manager. Manufacturing
12 manager, I had biweekly one-on-one meetings.
13 So it was just a private meeting scheduled
14 biweekly for one hour.

15 Q. Okay. And that was -- During Linda Weaber's
16 time when you were also there, that was Larry
17 Weinsheimer?

18 A. Yes.

19 Q. Is it --

20 A. Weinsheimer.

21 Q. Weinsheimer. And what types of things were
22 addressed at those meetings?

23 A. Well, properly be discussed. But it was
24 anything, again, from operations, new items,
25 quality, safety, incidents, issues, and

Exam./Ostrowski - Soles

1 personnel.

2 Q. And did you and Mr. Weinsheimer ever discuss
3 Linda Weaber in any of your biweekly meetings?

4 A. Yeah. We would discuss Linda or any of my
5 staff at those meetings.

6 Q. How many different times did you discuss Linda
7 Weaber during any of those meetings?

8 A. Probably not more than a few. It was very
9 common to discuss any of your staff, depending
10 any development.

11 Q. Okay. Do you remember any topics that you
12 addressed as it relates to Linda Weaber?

13 A. No, I don't recall any specific topic.

14 Q. When was your start date at the Hershey plant?

15 A. March 2nd.

16 Q. Of '98?

17 A. Yes, I think. I get a little gray on some of
18 the years sometimes.

19 Q. And when did you first meet Linda Weaber?

20 A. I would say within a week after my start date.

21 Q. Did you have a meeting with your plant
22 supervisor, production supervisors to introduce
23 yourself to them and vice versa?

24 A. Yes. Very quickly into my start date I had
25 what we call an off-site, which was an

Exam./Ostrowski - Soles

1 agendaed meeting planned on both introduction
2 of myself to my staff and -- Again, you're
3 expected to take over this job and start in the
4 job. So it had anything to do with goals, open
5 discussion for them about me. And, yes, that
6 started.

7 Then you also set up one-on-ones with the
8 next tier down. So I would have one-on-one
9 meetings with my immediate staff.

10 Q. Okay. Did you have any -- Do you recall
11 specifically having a one-on-one with Linda?

12 A. Oh, I had many one-on-ones. But how quickly
13 from when I got hired to when I had it, I don't
14 know.

15 Q. Okay. You said quite frequently you had
16 one-on-one meetings with her?

17 A. They were scheduled monthly.

18 Q. Okay. And what were the topics that you and
19 she discussed at your monthly face-to-face
20 meetings?

21 A. It would have started with, I think, anything
22 operational, anything going on in the area to
23 personnel on her level, issues she may have
24 with personnel on her level and just may want
25 feedback on, training, development,

Exam./Ostrowski - Soles

1 performance, performance appraisals, a process,
2 a question. It was very open-ended because
3 you're trying to get to learn to know each
4 other.

5 Q. And were you then actually responsible for
6 doing the performance appraisal for Linda?

7 A. Yes, for two years.

8 Q. Okay. Ninety-eight and '99?

9 A. My guess is I started at the Hershey plant in
10 March of '99. I think I accepted the job in
11 November of '98. But I get a little confused
12 here, dates. I've been there four years March.
13 So that would have put me in '99, I believe.
14 No. Ninety-eight would have been right.

15 Q. I'm going to show you one of the performance
16 evaluations which covers the period December
17 '98 to -- or January '98 to December '98, and
18 your name --

19 A. Yes, then that would be --

20 Q. -- does appear on here.

21 (Document entitled Performance Management,
22 January 1998 to December 1998, 11 pages, was
23 produced and marked Exhibit 1.)

24 BY MR. OSTROWSKI:

25 Q. Just go ahead and review that document just to

Exam./Ostrowski - Soles

1 make sure you're familiar with its contents.

2 A. Yes.

3 Q. Before I ask you more specific questions, did
4 you review any documents in preparation for
5 your deposition today?

6 A. Did I review any documents?

7 Q. Yeah.

8 A. The only thing I reviewed was notes I had of
9 the investigation with Linda.

10 Q. Okay. Just so I don't have to mark it, I'll
11 ask you. If I show you this document, is that
12 your handwriting on there?

13 A. No.

14 Q. What notes did you have? Were they handwritten
15 notes?

16 A. No.

17 Q. How about on the back of here, is any of that
18 your handwriting?

19 A. No.

20 Q. What notes did you have?

21 A. I just had a Word document.

22 Q. Oh, you had something typed up?

23 A. Uh-huh.

24 Q. Okay. I think I probably have that. This
25 document, Exhibit Number 1, throughout the

4

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

.....
LINDA F. WEABER, .
 Plaintiff .
 . Civil Action
 . Number 1:CV-01-0856
 .
vs. .
 .
HERSHEY FOODS CORPORATION,.
 Defendant .
.....

Videotaped
Deposition of: CAROLYN A. HASKELL

Taken by : Plaintiff

Date : April 1, 2002, 3:12 p.m.

Place : 4311 North Sixth Street
 Harrisburg, Pennsylvania

Video
Operator : Crystal M. Lyde

Reporter : Glenda S. Travitz
 Registered Professional Reporter

APPEARANCES:

ANDREW J. OSTROWSKI, ESQUIRE

For - Plaintiff

McNEES WALLACE & NURICK LLC

By: ELIZABETH A. MAGUSCHAK, ESQUIRE

For - Defendant

ALSO PRESENT:

LINDA F. WEABER

Exam./Ostrowski - Haskell

1 EXAMINATION

2 BY MR. OSTROWSKI:

3 Q. Ms. Haskell, my name is Andy Ostrowski. We
4 haven't been introduced, so I'll introduce
5 myself now.

6 You understand that you're here today to
7 give a deposition in connection with a lawsuit
8 that Linda Weaber has brought against Hershey
9 Foods?

10 A. Yes.

11 Q. Have you ever given a deposition before?

12 A. Yes.

13 Q. Unless you have anything you want to address
14 with me, I'm just going to assume you know the
15 ground rules and go ahead and --

16 A. If I don't, I'll ask questions.

17 Q. Okay. How are you currently employed?

18 A. I work for General Electric. I manage health
19 and disability benefits for General Electric.

20 Q. You manage --

21 A. Health, disability benefits for General
22 Electric.

23 Q. Okay. And how long have you been with General
24 Electric?

25 A. Since the day I left Hershey Foods. Let's see.

Exam./Ostrowski - Haskell

1 September 1st, 198 -- I mean 2000, '99 or 2000.

2 Ninety-nine. I had to think for a minute.

3 Ninety-nine.

4 Q. Okay. And why did you leave Hershey Foods?

5 A. Better job opportunity.

6 Q. Okay. And where is General Electric located?

7 A. I actually work for GE Plastics, which is
8 located in Pittsfield, Massachusetts.

9 Q. And what's your current residence address?

10 Just so you know, I have no intention of
11 contacting you unless for some reason I need to
12 track you down and need to get you for a
13 hearing.

14 A. Right now I live at 34 Clover Drive, Lebanon,
15 Pennsylvania.

16 Q. And the telephone number?

17 A. 717-273-9336.

18 Q. Okay. How long did you work for Hershey Foods?

19 A. About four and a half years. I started there
20 December of either '94 or '95. I guess '94.

21 Q. What was your position with Hershey when you --
22 as of the day you left, the day before you
23 left?

24 A. My title was manager of Health Services, and I
25 was responsible for Health Services and

Exam./Ostrowski - Haskell

1 disability programs and occupational medicine
2 for all of Hershey Foods Corporation.

3 Q. What's your -- Where did you work before you
4 worked for Hershey Foods?

5 A. Do I have to give an entire list of where I
6 worked?

7 Q. Why don't you -- Where were you right before
8 Hershey?

9 A. I worked at Hershey Med Center right before I
10 came to Hershey Foods.

11 Q. How long were you with Hershey Med Center?

12 A. I was only there for an interim period of time.
13 I think about 10 months. I had just retired
14 from the military.

15 Q. Okay. You have a military background? Is that
16 your prior experience?

17 A. Twenty-three years in the army.

18 Q. Okay. What did you do in the army?

19 A. It would be easier to tell you what I didn't
20 do. I was like an assistant director of
21 nursing for a combat support hospital in
22 Mogadishu, Somalia. I was the head nurse of
23 various types of units. I managed nursing
24 education training departments. I was nursing
25 supervisor, worked in the emergency room.

Exam./Ostrowski - Haskell

1 Pretty much --

2 Q. So you are a nurse?

3 A. Right. I'm a nurse practitioner.

4 Q. And does that -- Is that an R.N. with an
5 additional qualification to be a practitioner?

6 A. Yes. It's a different licensure. You have to
7 have an R.N. license in order to get the nurse
8 practitioner licensure.

9 Q. Okay. And you're currently a nurse
10 practitioner?

11 A. Yes.

12 Q. And how long have you -- What's the
13 certification called to be a nurse
14 practitioner?

15 A. It's called nurse practitioner in the state of
16 Pennsylvania. It varies from state to state.
17 But a nurse practitioner in the state of
18 Pennsylvania, it's C.R.N.P., Certified
19 Registered Nurse Practitioner.

20 Q. Okay. And how long have you had that
21 certification?

22 A. Let's see. I got married in '77.
23 Seventy-eight, since 1978.

24 Q. What's the name of your -- What was your
25 title, again, with -- Did you have the same

HERSHEY PLANT Production Supervisors 1/1/99

5

Name	Department Descr	Dept ID	Age as of 1/1/99	Annual Rate	Full/ Part	Hire Date
Arriola, Meliton C	1221 HPlant - Processing Admin	0815	48	50,000.00	F	1993-12-28
Baker, John S	1222 HPlant - Packaging Admin	0820	36	49,700.08	F	1990-06-20
Barr, Patrick L	1222 HPlant - Packaging Admin	0823	47	57,500.00	F	1980-12-22
Bates, Jeffrey E	1222 HPlant - Packaging Admin	0820	34	45,500.00	F	1990-09-05
Brandt, James M	1222 HPlant - Packaging Admin	0822	40	47,400.16	F	1984-10-16
Brown Jr, George E	1222 HPlant - Packaging Admin	0820	44	48,000.00	F	1991-07-22
Buck, Connie G	1222 HPlant - Packaging Admin	0821	57	66,500.00	F	1966-08-08
Ceresini, Edward P	1787 Prod Mgr, Shipping/Rec	0818	48	60,500.00	F	1989-08-21
Coleman, Arletha M	1222 HPlant - Packaging Admin	0823	57	49,200.08	F	1981-07-20
Conz, George S	1221 HPlant - Processing Admin	0817	57	60,900.00	F	1962-09-10
Corrado, Richard A	1229 HPlant - Engineering	0857	59	66,100.16	F	1963-08-26
Deaven, Keith L	1221 HPlant - Processing Admin	0815	58	64,900.16	F	1963-08-26
Deiter, Michael L	1221 HPlant - Processing Admin	0815	44	58,100.00	F	1978-07-05
Dickason Jr, Sidney A	1228 HPlant - Sanitation	0844	44	49,000.16	F	1980-07-07
Ebersole, Mark R	1222 HPlant - Packaging Admin	0822	39	49,400.00	F	1984-02-01
Ehrhorn, William R	1221 HPlant - Processing Admin	0817	47	58,900.00	F	1978-08-07
Engle, Suzette M	1222 HPlant - Packaging Admin	0820	45	45,500.00	F	1982-08-02
Fies Sr, Thomas P	1221 HPlant - Processing Admin	0817	53	57,500.00	F	1976-08-16
Fisher, Denise L	1222 HPlant - Packaging Admin	0820	37	52,200.08	F	1980-08-11
Fogleman, Judy L	1222 HPlant - Packaging Admin	0820	35	47,200.00	F	1982-08-17
Fortna, David S	1222 HPlant - Packaging Admin	0821	45	57,400.00	F	1982-08-02
Getz, Edward G	1222 HPlant - Packaging Admin	0821	45	63,800.16	F	1976-08-16
Grumbeln Jr, Lloyd E	1221 HPlant - Processing Admin	0815	54	70,500.00	F	1966-08-03
Hammer, Jeffrey L	1222 HPlant - Packaging Admin	0820	41	45,500.00	F	1990-10-16
Hartman, Wade I	1228 HPlant - Sanitation	0844	52	48,900.08	F	1965-06-30
Holst, John M	1787 Prod Mgr, Shipping/Rec	0818	56	68,200.08	F	1970-11-01
Hopple Jr, John C	1228 HPlant - Sanitation	0844	50	56,400.16	F	1966-10-06
Keaton, Karen L	1222 HPlant - Packaging Admin	0821	50	51,000.00	F	1980-12-22
Kettering, Thomas J	1221 HPlant - Processing Admin	0815	40	61,400.00	F	1989-09-13
King, Nancy A	1222 HPlant - Packaging Admin	0821	55	55,700.08	F	1979-08-20
Klahr, Deborah A	1789 Manufacturing Manager	0807	49	52,600.08	F	1979-06-18
Kowker, Leonard V	1222 HPlant - Packaging Admin	0823	57	49,800.00	F	1959-11-02
Landis, Douglas W	1222 HPlant - Packaging Admin	0822	42	54,200.00	F	1979-05-14

HERSHEY PLANT Production Supervisors 1/1/99

Name	Department Descr	Dept ID	Age as of 1/1/99	Annual Rate	Full/ Part	Hire Date
Livering, Kevin J	1222 HPlant - Packaging Admin	0820	35	52,200.16	F	1985-10-03
Lukenbill, Corinne M	1222 HPlant - Packaging Admin	0822	48	44,200.00	F	1982-07-12
MacDonald III, Donald J	1789 Manufacturing Manager	0807	37	48,600.00	F	1992-04-06
May, Hughey E	1229 HPlant - Engineering	0854	47	55,100.16	F	1981-07-27
Miller, Barbara A	1222 HPlant - Packaging Admin	0820	50	60,300.16	F	1979-07-09
Miller, Thomas J	1222 HPlant - Packaging Admin	0821	44	49,000.16	F	1989-08-21
Moyer, Gary L	1221 HPlant - Processing Admin	0817	50	57,900.08	F	1966-06-01
Nardi, Adolph J	1787 Prod Mgr, Shipping/Rec	0818	51	46,000.00	F	1993-07-28
Neidig, Paul R	1222 HPlant - Packaging Admin	0819	53	57,600.16	F	1970-03-02
Noll, Robert A	1222 HPlant - Packaging Admin	0819	41	61,000.00	F	1979-03-26
Nouillet, Frederick B	1221 HPlant - Processing Admin	0817	48	52,100.16	F	1991-05-01
Nye, Randy D	1221 HPlant - Processing Admin	0817	41	52,900.00	F	1980-12-02
O'Donnell, Patrick J	1222 HPlant - Packaging Admin	0819	44	48,200.00	F	1987-08-17
Rodriguez, Bentura G	1222 HPlant - Packaging Admin	0823	49	57,000.00	F	1982-07-19
Ryland, Thomas W	1222 HPlant - Packaging Admin	0819	50	63,400.08	F	1978-08-14
Santana Jr, John	1222 HPlant - Packaging Admin	0820	51	55,700.00	F	1982-07-26
Selvey, Carolyn E	1222 HPlant - Packaging Admin	0820	49	51,400.08	F	1970-10-12
Sewinsky, Carole C	1222 HPlant - Packaging Admin	0823	54	53,200.00	F	1979-03-27
Shadle Jr, Irvin G	1221 HPlant - Processing Admin	0817	53	59,200.16	F	1964-09-09
Smith, Kenneth R	1222 HPlant - Packaging Admin	0842	55	50,900.16	F	1963-09-02
Speicher, William F	1222 HPlant - Packaging Admin	0823	59	52,100.00	F	1962-07-30
Strangarity, Michael F	1222 HPlant - Packaging Admin	0819	40	62,500.00	F	1976-07-19
Thomas, Gerald A	1221 HPlant - Processing Admin	0815	35	51,900.00	F	1990-10-31
Tilberg, Frederick J	1787 Prod Mgr, Shipping/Rec	0818	54	60,700.16	F	1976-08-16
Valdic, Mark W	1221 HPlant - Processing Admin	0815	40	56,600.08	F	1980-10-06
Walmer, David S	1222 HPlant - Packaging Admin	0822	38	60,100.08	F	1978-07-17
Weaver, Linda F	1222 HPlant - Packaging Admin	0821	51	55,400.00	F	1968-08-12
Weaver, Clark E	1222 HPlant - Packaging Admin	0822	36	51,000.00	F	1980-12-02
Weaver, Earl R	1222 HPlant - Packaging Admin	0820	51	51,700.00	F	1980-07-21
White, Bradley S	1787 Prod Mgr, Shipping/Rec	0818	35	52,000.08	F	1987-09-08
Wilson, Carl E	1222 HPlant - Packaging Admin	0823	51	62,500.00	F	1965-06-30
Woodward, Gerard M	1787 Prod Mgr, Shipping/Rec	0818	43	55,400.00	F	1979-08-20
Zidlik, Thomas J	1222 HPlant - Packaging Admin	0821	45	53,000.00	F	1982-10-11

6

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LINDA F. WAEBER
Plaintiff

v.

HERSHEY FOODS CORP.,
Defendant

: CIVIL ACTION NO. 1:01-CV-856

:

:

: JUDGE RAMBO

:

:

: JURY TRIAL DEMANDED

PLAINTIFF'S ANSWERS TO INTERROGATORIES

Submitted by,



Andrew J. Ostrowski, Esquire
I.D. No. 66420
Suite 201, 2080 Linglestown Road
Harrisburg, PA 17110
(717) 540-9170
Attorney for Plaintiff

Dated: February 20, 2002

INTERROGATORIES

1. Describe the factual basis for each element of damages you contend you are seeking in this action and identify each person with personal knowledge thereof.

ANSWER:

1. Plaintiff is seeking damages for all injuries for which damages are recoverable at law under the claims raised in her complaint. Specifically Plaintiff is seeking all back pay and benefits and, in lieu of reinstatement, an appropriate from pay award to reflect the difference between what she would have earned had she remained employed by Defendant and which she has and will continue to earn through her alternative employment. Plaintiff also seeks general compensatory damages for her physical and emotional suffering, humiliation, and aggravation as well as costs and attorney's fees as permitted by law.

2. If, in support of any of your claims in this action, you rely on any communication which you contend directly evidences such claim(s), identify each such communication and each person with personal knowledge thereof.

ANSWER:

2. Plaintiff will prove her case largely through circumstantial evidence, but submits that her discussions with Carolyn Haskell in March 1999 wherein Haskell told her that she was going to lose her supervisor job, and that her FMLA would be denied through placing unauthorized conditions on Plaintiff's ability to use her leave directly evidence Plaintiff's FMLA and ERISA claims. Plaintiff reserves the right to supplement this response as discovery proceeds.

3. Identify every person whom you know or believe to have personal knowledge of any of the facts alleged in your Complaint and with respect to each person, summarize the factual knowledge of each such person.

ANSWER:

Tom Soles - conversations in 1998 and 1999 with Plaintiff and her husband regarding work performance issues and difficulties with Darryl Bentz

Darryl Bentz - history of hostility toward Plaintiff resulting from Plaintiff confronting him about sexual harassment issues, Sam Selvy and Ed Getz also have knowledge of the matters regarding the sexual harassment investigation

Larry Weinsheimer - conversations about ongoing problems with Bentz as well as issues regarding being pushed by Roy Keeton

Richard Chase - told Plaintiff that Roy Keeton was going to hurt Plaintiff

Ken Smith and Greg Marks - aware of Bentz' plan to try to get Plaintiff fired

Tom Kettering - facts and circumstances regarding Plaintiff's health and events leading to her termination

Carolyn Haskell - conversations regarding Plaintiff's health and request for FMLA in 1999

Cindy Lighty - all matters raised in Plaintiff's Complaint

Pat Kilgore -

Gordon Swinehart and Ray Warble - present when Plaintiff fired

Dr. Giaconne - physician who provided cardiac services in 1999

Dr. Dysler - physician regarding Plaintiff's diabetes

Dr. Barton - plaintiff's family physician

Dr. Daduke - physician regarding Plaintiff's strokes

4. Identify each and every fact upon which you rely in support of your allegations contained in Paragraph 8 of your Complaint.

ANSWER:

4. This allegation is based upon conversations between Plaintiff and Carolyn Haskell

5. Identify each and every fact upon which you rely in support of your allegations contained in Paragraph 15 of your Complaint.

ANSWER:

5. These allegations are based upon the fact that Plaintiff was a highly compensated employee with and was known to have an extensive and costly medical history and that, in 1999, Defendant was incurring ongoing earnings losses. The allegations are based largely upon information and belief and will be further determined through discovery as permitted by law.

6. Identify each and every fact upon which you rely in support of your allegations contained in Paragraph 16 of your Complaint.

ANSWER:

6. The pecuniary losses suffered by Plaintiff are readily discernible from a comparison of her past and continuing wages and benefits, and Plaintiff, her husband and daughter will testify to the continuing deleterious effect this matter has had on her physical and emotional well-being.

7. Identify each and every fact upon which you rely in support of your allegations contained in Paragraph 20 of your Complaint.

ANSWER:

7. These allegations are based upon the fact that Plaintiff was a highly compensated employee with and was known to have an extensive and costly medical history and that, in 1999, Defendant was incurring ongoing earnings losses. The allegations are based largely upon information and belief and will be further determined through discovery as permitted by law.

8. Identify each and every fact upon which you rely in support of your allegations contained in Paragraph 21 of your Complaint.

ANSWER:

8. The pecuniary losses suffered by Plaintiff are readily discernible from a comparison of her past and continuing wages and benefits, and Plaintiff, her husband and daughter will testify to the continuing deleterious effect this matter has had on her physical and emotional well-being.

9. Identify each and every fact upon which you rely in support of your allegations contained in Paragraph 22 of your Complaint.

ANSWER:

9. Plaintiff will testify to the continuing deleterious effect that the matters of which she complains have had on her health and well-being which will be substantiated through her medical records and possible testimony from her physicians.

10. Identify each and every fact upon which you rely in support of your allegations contained in Paragraph 31 of your Complaint.

ANSWER:

10 and 11. Plaintiff's diabetes has caused her complications through the years and Carolyn Haskell told her that she perceived my ongoing problems as being mental and told me that I would have to go to counseling.

11. Identify each and every fact upon which you rely in support of your allegations contained in Paragraph 32 of your Complaint.

ANSWER:

12. Identify each and every prospective employer from which you sought employment from 1999 to the present. As to each prospective employer, provide the following information:

- a. The date and manner in which you first contacted the prospective employer about a potential or actual employment opportunity;
- b. The means or procedure by which you identified the prospective employer;
- c. Whether you were interviewed by the prospective employer;
- d. The compensation and benefits associated with the position or positions for which you applied or were considered;
- e. Whether an offer of employment was extended to you and, if an offer was not extended, your understanding of why an offer was not extended;
- f. Whether you turned down an offer of employment and, if so, all the reasons why you did so;
- g. Identify any document which relates to the employment opportunity, including but not limited to want ads, applications, etc.

ANSWER:

applied to ASK Kettering and submitted applications online and worked with the unemployment office

13. Identify any period of time in which you were unable to work and/or look for alternative employment for any reason, and, for each such period, identify the reason for your inability and any documents which relate thereto.

ANSWER:

13. N/A

14. Identify each and every means and/or processes by which you sought to identify employment opportunities (including self-employment opportunities) during the period 1999 to the present, including but not limited to periodic review of specific newspaper advertisements, referral sources, etc., and each and every document that relates or pertains to such means and/or process.

ANSWER:

See answer to 12

15. Identify each and every employer (including self-employment) from which you received compensation or payment of any kind during the period 1998 through the present. As to each such employer provide the following information:

- a. Your earnings from the employer, broken down by type of earning (e.g., salary, commission, bonus, stock options etc.), and year of receipt of such earnings;
- b. A description of the benefits to which you were entitled by virtue of your employment, regardless of whether you opted for such benefits;
- c. Your dates of employment;
- d. If your employment terminated for any reason, provide the reason for such termination;
- e. If you were disciplined and/or counseled for any reason, provide the reason for such discipline and/or counseling and describe the events related to such discipline and/or counseling.
- f. Whether there was any period you were unable to work, and, if so, the reason you were unable to work for each such period;
- g. Identify all documents which relate or pertain to your employment and/or to the information provided in response to this Interrogatory.

ANSWER:

1. 2/00 - 4/00 Bayer Aspirin (through Ostin's temp agency) \$10/hr 40 hrs/wk
2. 9/00 - 9/01 Verdelli's & \$10/hr apprx 68 hrs/2 wks
3. 9/01 - present Warrell Corp. \$11.70/hr 40hrs/wk

Plaintiff will provide financial information.

16. Identify each and every (i) application for benefits you, or someone acting on your behalf, made to, and/or (ii) receipt of benefits from, any governmental program, including but not limited to unemployment, workers' compensation, and social security, or insurance program, including but not limited to life insurance, short or long-term disability insurance, and auto insurance, during the period 1999 to the present. As to each such application and/or receipt of benefits, provide the following information:

- a. Identify all documents related or pertaining to such application and/or receipt of benefits;
- b. Provide the dates of such application and/or receipt of benefits;
- c. Identify each person with knowledge relating to your application and/or receipt of benefits;
- d. Identify the amount of benefits you received and provide an explanation of how you spent any benefits received;
- e. If you were denied benefits, provide the reason given for the same, whether you appealed the denial in any way, and identify any documents related to such denial and/or appeal;
- f. Provide the factual basis for your eligibility for any such benefits you received or for which you applied.

ANSWER:

Plaintiff will provide all such information.

17. Identify each and every fact upon which you rely in support of your allegation that you acted with reasonable diligence in seeking to mitigate your alleged damages for which you are seeking relief in this action, and any documents which you contend directly or indirectly evidence such allegation.

ANSWER:

See answers to 12, 14 and 15.

Plaintiff will provide all such information.

18. Identify each physical or mental condition for which you sought treatment from, and/or were treated by, a licensed or unlicensed health care provider, including but not limited to a counselor, therapist, physician, psychologist, psychiatrist, faith healer, etc., during the period 1985 to the present, and, as to each such mental or physical condition, provide the following information:

- a. the date you first sought treatment and/or were treated for such condition;
- b. the temporal period in which you sought treatment for the condition;
- c. the duration of the condition;
- d. whether the condition was resolved, and, if so, how and when it was resolved;
- e. any diagnosis given for the condition;
- f. identify any and all documents relating or pertaining to the condition;
- g. identify each and every person with knowledge of the condition.

ANSWER:

Plaintiff will provide relevant medical records or releases for reasonable requests for records.

19. State whether you ever made any complaint to a managerial or supervisory employee of Defendant concerning your belief that you had been subject to discrimination. If so, describe in detail each such complaint, including the name of the person to whom the complaint was made, the date of each such complaint, and the result of your complaint. Identify each person who witnessed your reporting of the complaint and each document which refers or relates thereto or upon which you relied with respect to your answers to this Interrogatory.

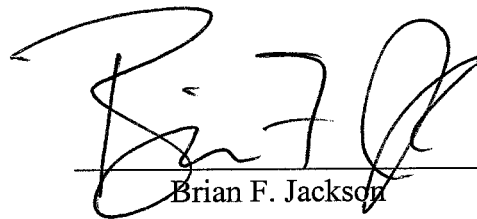
ANSWER:

Talked to Larry Weinsheimer and Tom Soles about ongoing problems with Daryl Bentz

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing document, by hand-delivery, upon the following:

Andrew J. Ostrowski, Esquire
4311 North Sixth Street
Harrisburg, PA 17110



Brian F. Jackson

Date: April 30, 2002